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Book 1887



INVESTIGATION OF CHARGES

AGAINST

MILLO H. DAKIN

BEFORE THE

HOUSE OF REPRESENTATIVES

APRIL 25, 26, AND 27, 1887.

[FROM THE LEGISLATIVE JOURNAL.]



BY AUTHORITY.

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FRED IRLAND,
CHARLES FLOWERS, AND A. M. HAYNES,
STENOGRAPHERS.

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INVESTIGATION OF MILO H. DAKIN.

Lansing, Tuesday, April 26, 1887.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Jameson.

Roll called: quorum present.

Absent without leave: Messrs. Case and Dougherty.

On motion of Mr. Hill,

Leave of absence was granted to Mr. Case for the day.

On motion of Mr. W. A. Baker,

Leave of absence was granted to Mr. Dougherty for the day.

The hour having arrived for the

SPECIAL ORDER,

Being the consideration of the charges presented against Representative Milo H. Dakin,

Mr. Snow, on behalf of the committee to investigate charges against Representative Milo H. Dakin, presented the following supplemental report of amended specific charges and moved that they be substituted for those heretofore presented and adopted by the House.

SPECIFIC CHARGES.

Articles exhibited on behalf of the special committee of the House of Representatives of the State of Michigan, appointed April 20, 1887, against Milo H. Dakin, member of the said House of Representatives, from the first representative district of Saginaw county, in relation to the charges preferred against him for misfeasance, malfeasance, or venal and corrupt conduct in the office.

ARTICLE I.

The said Milo H. Dakin, member of the House of Representatives from the first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on diverse other days and times between the day of taking his said oath of office and the time of the preferring of said charges receive from John H. Shackleton, mayor of Saginaw City, certain sums of money for the purpose of corruptly using the same among the members of the House of Representatives of the Michigan Legislature in influencing votes

for the passage of a bill to amend the charter of Saginaw City then pending before the committees on labor interests and municipal corporations of said House of Representatives.

ARTICLE II.

That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did corruptly, on the 19th day of April, A. D., 1887, and on divers other days and times, between the day of taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from said John H. Shackleton, mayor of Saginaw City, from Frederic L. Eaton of Saginaw, and from various other persons for the purpose ostensibly of corruptly using such money among the members of the House of Representatives of the Michigan State Legislature, to influence their votes in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committee on labor interests and municipal corporations of said House of Representatives, but, in fact, for the purpose of corruptly and unlawfully appropriating all or a part of such money for his own personal use and benefit.

ARTICLE III.

That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did, corruptly, on the 19th day of April, in the year A. D. 1887, between the day of taking his said oath of office and the preferring of said charges, make a list of names of certain members of said House of Representatives, of the State of Michigan, together with the amount of money necessary to procure the vote and influence of each of said members named in said list, in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees on labor interests and municipal corporations jointly, to-wit:

S. Baker, \$5.
 Baldwin, \$5.
 Bentley, \$5.
 Burr, \$5.
 Crocker, \$10.
 Diekema, \$10.
 Dunbar, \$5.
 Engleman, \$5.
 Herrington, \$10.
 Manly, \$10.
 McCormick, \$5.
 O'Keefe, \$5.
 Perkins, \$10.
 Rumsey, \$25.
 T. H. Williams, \$10.

And that said Milo H. Dakin did represent to said Frederic L. Eaton, of Saginaw, that to secure the votes and influence of [said members it would be necessary to use with each of them the amount of money set opposite his name, thereby bringing the good name and character of said members into ill-repute.

ARTICLE IV.

That said Milo H. Dakin, Member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, and of the oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times between the day of taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from John H. Shackelton, Mayor of Saginaw City, Frederic L. Eaton, and from various other persons, for the purpose of corruptly using such money so obtained among the members of the House of Representatives of the State of Michigan, to influence their votes and efforts in favor of the passage of a bill to amend the charter of the city of Saginaw, then pending before the committees on labor interests and municipal corporations jointly, of the House of Representatives of Michigan.

Dated Lansing, Mich., April 26, 1887.

A. R. CHAPMAN,
JOHN V. B. GOODRICH,
H. W. THOMPSON,
A. B. PIERCE,
B. A. SNOW,

Committee on behalf of the House of Representatives.

Report accepted and committee discharged.

The question being on the adoption of the report,

The same was adopted, and the Speaker announced that the specific charges as so amended would stand as the specific charges in the case.

Mr. Chapman, on behalf of the committee, presented the following

RULES OF ORDER.

The following rules shall govern the proceedings of the House during the investigation of the charges preferred against Representative Milo H. Dakin:

RULE 1.—The House shall meet daily at 10 o'clock A. M., and continue in session until 12 o'clock noon, when the Speaker shall declare a recess until 2 o'clock P. M., when it shall meet again and continue in session until 6 o'clock P. M., when it shall adjourn.

RULE 2.—The Speaker shall preside and rule all questions of evidence, jurisdiction, and incidental questions, which ruling shall stand as the judgment of the House, unless some member shall demand that a formal vote be taken thereon, in which case it shall be submitted to the House for decision.

RULE 3.—At the opening of the investigation the Speaker shall direct the Sergeant-at-Arms to call the accused in the following manner: "Milo H. Dakin, appear and answer to the charges filed against you by the committee of the House of Representatives of the State of Michigan on behalf of said House." If said accused or his counsel shall appear they shall be assigned seats in front of the Clerk's desk. The said committee shall also be assigned seats in front of the Clerk's desk. The Clerk of the House shall then read the charges preferred, and the accused may file answer thereto, and read the same. If the answer raises a question of jurisdiction the accused shall be allowed thirty minutes to argue the same, and the committee a like time to answer.

RULE 4.—One of said committee shall be allowed fifteen minutes to open the investigation on the part of the House. The accused shall be allowed the same length of time to open the defense.

RULE 5.—Each witness as he is called shall be sworn or affirmed by the Clerk in substantially the following form:

You do solemnly swear or affirm that the evidence which you shall give upon the hearing upon certain charges preferred against Milo H. Dakin, member of this House, for misfeasance, malfeasance or venal and corrupt conduct in office, shall be the truth, the whole truth, and nothing but the truth, so help you God.

Witnesses in giving their testimony shall sit at the Clerk's desk.

RULE 6.—All the rules, legal and usual, governing cases of law in courts of record in this State not inconsistent herewith, shall be observed in the conduct of this examination.

RULE 7.—Any member of the House wishing a question to be put to a witness, or to offer a motion except a motion to adjourn, it shall be reduced to writing and put by the presiding officer.

RULE 8.—All proceedings or interlocutory questions and all motions may be argued for not more than fifteen minutes on each side unless the House by motion extend the time.

RULE 9.—The final argument on the merits may be made by three persons on each side, and the argument shall be opened and closed by members of the committee on the part of the House, each speaker being allowed not to exceed thirty minutes.

RULE 10.—On the final question whether the charges are sustained, the yeas and nays shall be taken on each specific charge separately, but previous to the vote any member of the House shall be allowed to speak not to exceed fifteen minutes. If any one or more of the charges are sustained by a majority vote of the members voting thereon the House shall then by resolution decide upon the punishment to be inflicted.

RULE 11.—Any one of these rules may be changed by a two-thirds vote of all the members elect without previous notice.

RULE 12.—The stenographers employed shall take the constitutional oath of office and shall take full minutes of all the proceedings, which shall be published daily in the Journal.

A. R. CHAPMAN,
J. V. B. GOODRICH,
H. W. THOMPSON,
A. B. PIERCE,
B. A. SNOW.

The question being on the adoption of the rules of order as reported,
The same were adopted, two-thirds of all the members voting therefor.
Mr. Perkins offered the following:

Resolved, That the Chair is hereby instructed to request Messrs. Diekema and Herrington to assist in the conducting of the Dakin investigation,

Which was adopted.

The Speaker then, in accordance with the resolution, requested Messrs. Diekema and Herrington to confer with and assist the committee in the investigation now pending.

Mr. S. Baker moved that 300 copies of the Rules of Order just adopted, be ordered printed for the use of the House,

Which motion prevailed.

The clerk administered the constitutional oath of office to the stenographers, Fred Irland, Alonzo M. Haynes and Charles Flowers.

The Speaker—The chair desires to state that it will be absolutely necessary that gentlemen present here to-day assist in keeping the best possible order, so that the testimony given by the witness may be heard by all the members, and further, that the back part of the house, back of the bar, be vacated, so that there will be no noise to disturb the members in the rear part of the room.

The Sergeant-at-Arms will now call the accused, Milo H. Dakin, to appear before the House and answer the charges which have been filed against him by the committee on behalf of the House.

The Sergeant-at-Arms.—Milo H. Dakin, appear and answer to the charges filed against you by the committee of the House of Representatives of the State of Michigan, on behalf of said House.

The Speaker—Counsel for Mr. Dakin will be invited to occupy seats at the table, as well as the committee on the part of the House who are to conduct this investigation. They will please come forward and find seats.

The accused, Milo H. Dakin, with his counsel, F. L. Dodge, L. C. Holden, and Phillip T. VanZile came forward and were seated.

The committee on the part of the House, Messrs. A. R. Chapman, J. V. B. Goodrich, H. W. Thompson, A. B. Pierce, B. A. Snow, G. J. Diekema, and E. C. Herrington, also came forward and were seated.

The Speaker—The Clerk will now read the charges preferred against Milo H. Dakin by the committee on the part of the House.

The Clerk read the charges as follows:

SPECIFIC CHARGES.

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ARTICLE I.

That said Milo H. Dakin, member of the House of Representatives from the first representative district of Saginaw county, unmindful of the high duties of his office, of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times between the day of taking his said oath of office and the time of the preferring of said charges, receive from John H. Shackleton, mayor of Saginaw City, certain sums of money for the purpose of corruptly using the same among the members of the House of Representatives of the Michigan Legislature in influencing votes for the passage of a bill to amend the charter of Saginaw City, then pending before the committees on labor interests and municipal corporations of said House of Representatives.

ARTICLE II.

That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times, between the day of taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from said John H. Shackleton, mayor of Saginaw City, from Frederic L. Eaton of Saginaw, and from various other persons

for the purpose ostensibly of corruptly using such money among the members of the House of Representatives of the Michigan State Legislature, to influence their votes in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees on labor interests and municipal incorporations of said House of Representatives, but, in fact, for the purpose of corruptly and unlawfully appropriating all or a part of such money for own personal use and benefit.

ARTICLE III.

The said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, of his oath of office, did corruptly, on the 19th day of April, in the year A. D. 1887, between the day of taking his said oath of office and the preferring of said charges, make a list of names of certain members of said House of Representatives, of the State of Michigan, together with the amount of money necessary to procure the vote and influence of each of said members named in said list, in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees on labor interests and municipal corporations jointly, to wit:

S. Baker	\$5 00
Baldwin	5 00
Bentley	5 00
Burr	5 00
Crocker	10 00
Diekema	10 00
Dunbar	5 00
Engleman	5 00
Herrington	10 00
Manly	10 00
McCormick	5 00
O'Keefe	5 00
Perkins	10 00
Rumsey	25 00
T. H. Williams	10 00

And that said Milo H. Dakin did represent to said Frederic L. Eaton, of Saginaw, that to secure the votes and influence of said members it would be necessary to use with each of them the amount of money set opposite his name, thereby bringing the good name and character of said members into ill-repute.

ARTICLE IV.

That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times between the day of taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from John H. Shackelton, Mayor of Saginaw City, Frederic L. Eaton, and from various other persons, for the purpose of corruptly using such money, so obtained, among the members of the House of Representatives of the State of Michigan, to influence their votes and efforts

in favor of the passage of a bill to amend the charter of the city of Saginaw, then pending before the committees on labor interests and municipal corporations jointly of the House of Representatives of Michigan.

Dated Lansing, Mich., April 26, 1887.

A. R. CHAPMAN,
JOHN V. B. GOODRICH,
H. W. THOMPSON,
A. B. PIERCE,
B. A. SNOW,

Committee on behalf of the House of Representatives.

Report accepted.

The Speaker—Mr. Dakin will now have an opportunity to answer the charges.

Mr. Holden—Before answering, the counsel for the accused desire to request of the committee of the House the particulars of these charges, especially wherein it says, after fixing the dates wherein these acts were done “and on divers other days and times,” and also in article four, after mentioning that he solicited from John H. Shackleton, Mayor, and Frederic L. Eaton “and from various other persons,” we wish to know the names of the persons, and when this was done, in order that we may plead. It is in the nature of a bill of particulars, which, in fairness to the defendant, we believe should be furnished us at this time.

The Speaker—Do the members of the committee desire to be heard on the question?

Mr. Conductor Herrington—I would say that so far as I know there are no persons except Mr. Eaton and Mr. Shackleton from whom Mr. Dakin tried to obtain money, and that the date was on the 19th. We merely drew the articles in this way so as to cover any discrepancy which might occur as to the date or as to persons. It is drawn as declarations are drawn in court, stronger perhaps than we expect the evidence will sustain, in order to cover any contingency which may arise. I will state to the gentleman, however, that, so far as the committee are concerned, they do not intend to introduce proof of Dakin obtaining or attempting to obtain money from any other persons than Mr. Eaton and Mr. Shackleton, and the date as I understand it is the 19th.

Mr. Holden—Then, Mr. Speaker, are we to understand from that that the matters for which we ask the particulars will be regarded by this House as surplusage, for the purpose of the trial?

Mr. Conductor Herrington—I cannot, on behalf of the committee, grant the gentleman's request. I will say that we would be willing to limit the time to the 18th, 19th and 20th. I think that will be satisfactory to the committee.

Mr. Holden—May I ask if it will be confined to Lansing as to the place?

Mr. Conductor Herrington—We object to any such restriction as that. As I understand it it is not necessary that it occurred in Lansing. Anywhere in the State of Michigan or in the United States would make Mr. Dakin equally guilty.

Mr. Holden—That we concede, but for the purpose of having an understanding at first, and that we may be as fully informed as possible, I ask it only, not that it is any less an offense in one place than in another.

Mr. Conductor Herrington—On behalf of the committee we shall object to the restriction to Lansing.

Mr. Holden—Mr. Speaker, we demand a bill of particulars of the places, times and persons.

The Speaker—The chair is of the opinion that the demand on the part of the counsel for the accused would not be entertained; that only such a demand would be entertained coming from some member of the House, the House having adopted these charges as being specific.

Mr. Hosford offered the following:

Resolved, That the committee of management upon the part of the House be requested to furnish counsel for the respondent, a bill of particulars of the persons from whom, the time when, and the places where, amounts of money were received or solicited as set forth in the several articles of specific charges.

The Speaker—The question is upon the adoption of the resolution.

Mr. Conductor Herrington—We do not care to be heard without the other side say something.

Judge Van Zile—It seems to me, Mr. Speaker, that this ought to be granted. This man will stand here, after he has pleaded to these charges, as a defendant answering an indictment. Certainly this House of Representatives of the State of Michigan ought not to ask a man to stand here charged with so grave an offense as this without his knowing the specific charges that he is to answer to. They have merely told us that we have solicited money of Mr. Shackleton and Mr. Eaton and of various other persons. Now, what other persons? That we have solicited on the 19th of April and on divers other times. What other times? And where? Is it possible that this man is to be called upon to stand here upon vague charges, that even his counsel cannot understand, and that this great House of Representatives of the State of Michigan will say that they do not understand? Our request is one that I think the committee ought to grant without asking this House to pass upon it, and this House ought to say for what he is to be tried.

Mr. Conductor Herrington—We have already consented to limit the time to the 18th, 19th and 20th of April. We have also consented to limit the persons to Mr. Eaton and Mr. Shackleton, so that all they ask which we have not granted is that we shall name the amount of money. Now I insist that that could not be requested in a court of law and I deny that this is a formal proceeding like a trial in a court of justice or an impeachment trial. We are proceeding in an informal way to investigate the truth of these charges, and all that is required is that he be given an opportunity to appear and answer. Now the guilt is just as great, so far as determining whether he is guilty or not, or whether these charges are sustained or not, if he obtained one penny or tried to obtain one penny. It is the duty of this House to find these charges sustained just as much as though he had tried to obtain one million dollars. The amount is immaterial. The question is whether he did try to obtain the money. If we are limited as to the amount here and we say five dollars and some witness puts it at ten, then that proof would be thrown out. I say it is unjust and improper to require us to limit the amount, to name the specific amount. Next as to the place where. A witness might have told this committee that the conversation took place on the street here in the city of Lansing. Afterward in thinking it over it might come to him that it occurred on the cars. Several conversations might have been had upon the matter, one in Lansing, another in Saginaw, and perhaps another on the train between here and there; and to limit us, to say that we shall name these places, would also be unjust. The great question is, "Did he solicit money?" not the amount nor where. Did he solicit it? That is the question we are to determine.

Mr. Holden—Mr. Speaker: In reply to the gentleman's argument, I call attention to rule 6, which reads as follows: "All the rules legal and usual governing cases at law in courts of record in this State, not inconsistent herewith, shall be observed in the conduct of this examination." The rule itself answers the part of the gentleman's argument in which he says we are not to be governed by the methods of procedure in courts of justice. In regard to the other part, in which he says it is improper for us to ask the amounts of money that he obtained, or sought to obtain, I say we have not asked it. The gentleman misapprehends the wording of the resolution. We ask for the place where.

Mr. Conductor Herrington—Let me read as follows: "The places where and amounts of money."

Mr. Van Zile—"Places where amounts of money." Not "and amounts."

Mr. Conductor Herrington—I misapprehended the wording of the resolution.

Mr. Holden.—The writing is in the hand of a lawyer and the gentleman might very readily mistake it. Now, if we are not to have the specific places as nearly as may be consistent with justice and in accordance with the usual and established methods of procedure and rules of evidence governing courts of record in this State, then why present any charges at all? This is a most serious matter. If convicted, the stigma, the stain and disgrace is greater in my judgment than if this respondent had been convicted of a felony in a court of justice; for I cannot imagine a greater disgrace than the expulsion of a member of this honorable body by his associates. It is important to him and alike important to the people of this State. We ask simply that the members of this House accord to this respondent the particulars of the transaction as fully as may be, and in accordance with the rules of procedure as mentioned in rule 6.

Mr. Conductor Diekema—Mr. Speaker: In answer to the argument made by the last gentleman, let me say that this House of Representatives has already been more specific than was at all necessary. All that would have been necessary would have been to appoint a committee, allow the accused, Mr. Dakin, to appear before that committee, present the report of that committee, and then this House might act. But this House in its sense of fairness and justice to the accused, has already gone far beyond that and has given charges just as specific as it seems to me the gentleman representing him ought to ask. We insist that we will make them no more specific relative to place, and this is the only question that now is before us.

The Speaker—The question is on the adoption of the resolution offered by the gentleman from Wayne, that the committee specify more particularly the parties and places where and from whom Mr. Dakin solicited money.

The resolution was then not adopted by the House.

The Speaker—Counsel for the accused may now file answers to the charges on the part of the committee.

Mr. Holden—The defense ask for time in which to file written answers, for this reason: The counsel, a part of them at least, did not arrive in this city, and knew nothing of the charges until after eleven o'clock last night. A conference was then had as fully as might be at that late hour at night, but we were unable to complete our answer. We had it nearly completed, but by reason of the change which has since been made we desire to formulate it anew, and believe that it is in the interest of the defendant that it should be done.

I will say that the question of jurisdiction will not be raised in the answer, as I believe. We shall be as expeditious as possible.

The Speaker—If the counsel are granted more time it will be necessary to come in the form of a motion from some member of the House.

The counsel for the accused and the committee held a short consultation.

Judge Van Zile—Mr. Speaker: After consultation with the gentlemen of the committee, it is agreed that we shall proceed as though an answer of general denial were filed, and that during the day the formal answer will be completed and filed, and stand as the answer filed as of this time, that is, to be filed at that time *nunc pro tunc*.

The Speaker—That being the agreement between the committee and counsel for the accused, some member on behalf of the committee will now be allowed to open the case before the House.

Mr. Conductor Goodrich—Mr. Speaker and gentlemen of the House of Representatives: We have before us to-day such a case as has never been known in the history of this State, where an attempt has been made to try one of the members of the House of Representatives of the State of Michigan. You are to act as jurors upon this case and I propose to make a short statement to you. I do not consider it necessary to make a lengthy statement for two reasons; first, that the committee appointed for the purpose of prosecuting this case on behalf of the House believe that it is proper and right to expedite matters as much as possible. The second reason is, that although you are to sit as jurors you may not be considered as jurors in the common acceptation of the term in courts of record or before justices of the peace, for the reason that they are not supposed to know anything about the case that is at issue. It has almost become a noted fact that if a man has learned to read or write it is a disqualification for him to sit as a juror. But you know something of this case, you know all about it, as far as the charges are concerned. You have heard them read, you have talked this matter over among yourselves and you understand it fully, and that is the reason why I do not propose to make a lengthy statement before you.

In the first place I will say that the committee who have been appointed by this House to prefer charges against Milo H. Dakin accuse him of misfeasance, malfeasance and venal and corrupt conduct while a member of this House of Representatives of the State of Michigan. And I will say this, gentlemen of the House, that we expect to prove every one of the charges that we have made against him. Although we may be sorry and mourn almost, as it were, that these things have occurred, yet we expect to prove misfeasance, malfeasance, venal and corrupt conduct upon the part of Milo H. Dakin, a member of this House. Permit me to say, gentlemen of the House, as there may be some among you who do not perhaps understand the real definition of these terms that we use, malfeasance, misfeasance and venal or corrupt conduct. I will give you the definition of misfeasance as it is laid down in Webster, and as it is also laid down in our law dictionaries. First, misfeasance is a trespass in law. It may be recognized as a trespass, but yet there is a further definition to it in law. It may be any wrong perpetrated. It is a wrong perpetrated by another. A wrong doing is another definition. Another definition is the improper doing of an act which a person might do lawfully, an improper act of a person which he might do lawfully. It might be a wrong act, morally wrong, it might injure himself or injure those by whom he is surrounded, and yet not be an unlawful act. This, as I understand, is the definition of the word misfeasance.

Malfeasance is doing of an act which a person ought not to do. Another definition for malfeasance is, evil conduct. Now, we say that if the member of this House who has had charges preferred against him is guilty of evil conduct, that member is guilty of malfeasance in office. That if he has committed this evil conduct during his term of office. Another definition is, "an illegal deed." You will readily see under the definition of this word malfeasance, that it is the doing of an act which a person ought not to do, and also evil conduct. We expect to prove these against the respondent in this case. We expect to prove that he wrongfully, on or about the 19th day of April of the present year, did receive a certain sum of money from the mayor of the city of Saginaw for certain purposes, and those purposes we expect to prove were corrupt purposes, and that he committed a wrong act in receiving that money for the purpose that he did receive it for.

We expect to show this by testimony that will be produced. We expect further to show that he not only received money for the purpose of expending that money, under his own statement of the case, for the purpose of spending it among the members of this House, but that he took it for the purpose of influencing votes in this House, under his statement of the case—for the purpose of obtaining members to vote for a certain bill then pending before the Legislature of the State of Michigan. We expect to show these facts, and thereby show that he did commit a gross wrong, that his conduct was bad and that he is guilty of misfeasance and malfeasance in office.

We expect further to show that he not only received money for this purpose, but that he solicited and continued to solicit more money from the same party for this special purpose, the purpose being not directly to influence votes, but as he said, as we expect to prove, "to see the boys with." In response to a question being asked him if he thought that the members could be influenced in that way with money, he said "Why yes, of course they can." And by making this statement we shall hold, as we think, that we are able to prove these things against the respondent in this case; I say by making that statement we shall contend before this honorable body that the respondent in this action is guilty of malfeasance and of misfeasance in office.

But we have another charge here. Notwithstanding that we accuse the respondent of making these statements and of saying these things, that members could be influenced, that he could influence the votes of members in this direction, yet from his own confession and from his own statements we believe that he has perpetrated a gross wrong in this, and we accuse him of this—of telling a falsehood in the case because, under his own confessions, he has said that he did not believe—

Mr. Van Zile—Where is that charge? I do not find it.

Mr. Conductor Goodrich—In the second article.

Mr. Van Zile—There is no such charge here in the bill, that he has committed falsehood.

Mr. Conductor Goodrich—I leave the gentleman to determine this for himself as he reads the charges. If he will read the second charge and the fourth charge he will see that this committee have accused the respondent of telling a falsehood, although they may not have said it in so many words. I will read the charges. The second article reads:

"That said Milo H. Dakin, member of the House of Representatives from the first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times between the day of

taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from said John H. Shackleton, mayor Saginaw City, from Frederic L. Eaton of Saginaw, and from various other persons for the purpose ostensibly of corruptly using such money among the members of the House of Representatives of the Michigan State Legislature, to influence their votes in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees on labor interests and municipal corporations of said House of Representatives, but in fact for the purpose of corruptly and unlawfully appropriating all or a part of such money for his own personal use and benefit."

Here is the charge made by the committee: "But in fact for the purpose of corruptly and unlawfully appropriating all or a part of such money for his own personal use and benefit."

Here the Speaker's gavel fell.

The Speaker—The gentleman's time is up. What is the pleasure of the House?

Mr. W. W. Williams moved that the gentlemen's time be extended,
Which was agreed to.

Mr. Conductor Goodrich (Resuming)—Now we expect, gentlemen, to show to you clearly, not only from his own confessions, but from the circumstances of the case, notwithstanding he had received this money, notwithstanding he had solicited other moneys, yet he did not intend to use the money, as he has stated and confessed to others, but to put this money in his own pocket; and hence we accuse him in this way of falsifying. You will see that the fourth article reads the same way, except the last portion of the article.

This, gentlemen, is all that I care to state to you upon this occasion. My time is up. I intended to be short. As I said before, we expect to prove that this respondent is guilty of wrong doing, of bad conduct, that he has not only injured himself, but by his conduct, by his ungentlemanly deportment, so far as that is concerned, brought a reproach and a stain upon this House and upon the members connected with this Legislature that it will take years to obliterate. I say that, if we prove the charges that we have laid against him, he is guilty of misfeasance, malfeasance and venal corruption while a member of the Legislature of the State of Michigan. We have preferred these charges against him, believing that you will deal justly with him, and that you will weigh carefully and seriously all the evidence that shall come before you.

We, as committmen, appointed by the House, feel that we have something upon our shoulders; that we have a burden of responsibility in the work that is before us. But we want to act fairly and we are determined to do so. And while we are attempting and shall desire all the way through the trial of this case to act fairly and honestly and candidly, yet we also want to see the dignity of the House of Representatives and of this Legislature maintained, and we are determined to do this faithfully and honestly and to bring before this House who sit as a jury, as I said before, all the facts pertaining to the case.

Mr. Dodge—Will the gentleman permit me to interrupt him?

Mr. Conductor Goodrich—Certainly.

Mr. Dodge—Will you please define the term "venal corruption?"

Mr. Conductor Goodrich—The gentleman asks me to define the term "venal corruption."

Mr. Dodge—As used in this connection.

Mr. Conductor Goodrich—The definition is "To be bought or obtained for money." That is one definition that Webster gives: "To be bought or ob-

tained for money.” Now, any man that can be bought or can be obtained for money I apprehend is guilty of venal corruption. The definition goes further: “To be bought or obtained for money or other valuable consideration.” Anything, I do not care what it is, if it is only a drink of beer, he is guilty if he can be bought for a drink of beer, or a drink of whisky, or a cigar. He is guilty of venal corruption under the definition. If he is made a matter of trade or barter, or if he is held for sale in any way, he is guilty of venal corruption.

Mr. Van Zile—Is that charged against the respondent?

Mr. Conductor Goodrich—We charge him with venal corruption, certainly. We set it right out in the preliminary statement. It is already embodied in these articles in this way:

Mr. Dodge—Which article is that contained in?

Mr. Goodrich—It is at the head, at the beginning, and in that way it runs through all the articles, being connected with articles 1, 2, 3 and 4. We set it out at the head of our articles and we say:

“Articles exhibited on behalf of the special committee of the House of Representatives of the State of Michigan, appointed April 20, 1887, against Milo H. Dakin, member of the said House of Representatives from the first representative district of Saginaw county, in relation to the charges preferred against him for misfeasance, malfeasance or venal and corrupt conduct in office.”

We consider that he is guilty of all this if we prove the charges to be true.

The Speaker—Is it the pleasure of the counsel for the accused to open their case now?

Judge Van Zile—Not at this time.

The Speaker—The gentlemen on behalf of the committee will now bring forward their witnesses in support of the charges against Mr. Dakin.

Mr. Frederic L. Eaton being produced and duly sworn, being examined by Mr. Conductor Diekema, testified as follows:

Q. Where do you reside?

A. Saginaw City, Michigan.

Q. How old are you?

A. Fifty-one years.

Q. How long have you been a resident of Saginaw?

A. Upwards of twenty years.

Q. Have you held any official position there?

A. I have, several.

Q. What are they?

A. I held the office of justice of the peace for eight years, member of the board of supervisors for about twelve years I think, comptroller of the city of Saginaw for six years. During the last year I held the office of city attorney.

Q. Are you acquainted with Milo H. Dakin, Representative from the Saginaw district?

A. I am to a certain extent.

Q. How long have you known him?

A. Casually four or five years, perhaps six.

Q. Did you meet Mr. Dakin on or about the 19th day of April last?

A. I did.

Q. Where did you meet him?

A. In this city. First in this building.

Q. What part of this building?

A. In the corridor on the lower floor; not the basement, but the first floor.

Q. Who was present with you when you met Mr. Dakin on the 19th?

A. J. Smith, of Saginaw City.

Q. In what part of this city did you meet Mr. Dakin?

A. As we came in at the front door coming from Michigan Avenue.

Q. Was Mr. Dakin alone?

A. No; Mr. Fellows, of Saginaw City, was with him.

Q. Did you have any conversation with Mr. Dakin at that time?

A. I did.

Q. About what time of day was it?

A. About half past ten o'clock in the morning. It was on the arrival of the Saginaw train.

Q. What was your business in Lansing that day?

A. There was pending at the time before the committee on labor interests and the committee on municipal corporations of this House a bill to revise the charter of the city of Saginaw. I was one of a committee charged presenting the merits of that bill to the committee, and a session of the committee for that purpose had been appointed for that day at one o'clock, and I was here in company with other citizens of that committee from Saginaw for the purpose of discharging that duty.

Q. Did you at that time have any conversation with Mr. Dakin about this bill?

A. I did.

Q. State what it was.

A. Mr. Smith and myself both saluted Mr. Dakin and Mr. Fellows. I then said to Mr. Dakin, "What is the situation of our bill at the present time?" Mr. Dakin replied "There will be nothing done, there is no use of your going up." I said that of course there would be nothing done that morning, as the appointment was for one o'clock.

He said, "There will be nothing done, then; there will be nothing done to-day." I asked why not, and he said, "Mr. Shackleton and Mr. Representative Linton have gone to Saginaw and there will be nothing done until the return of Mr. Shackleton." I asked him how that interfered with our having a hearing before the committee. Mr. Dakin had started along a couple of steps toward the front door. He turned and stepped back toward me and said, "I sent for Mr. Shackleton, or I spoke to Mr. Shackleton," (I am not certain of the word he used there) "to come down here, and he was expected to bring some money to put this bill through the House, but he did not bring any except seven dollars; he gave that to us and we have used it, but that don't amount to anything and he has gone back to Saginaw to get some more money." I said, "What do you want money for? Are there any expenses to pay?" and he said, "Yes; you know what I mean. We have got to have some money to put this through with." I said, "Do you mean to say that you have got to use money with the committee?"

He hesitated a moment and said "No, I think the committees are all right, but we have got to use some money among the members." I said, "Do you think that the passage of measures can be promoted amongst the members of this house by the use of money?" He smiled and said, "Why, of course it can." That is all that occurs to me now that he said to me now. He then turned and went towards the front door. Mr. Fellows spoke to me and we stepped aside by the clock, where the electric clock stands, and

Mr. Fellows spoke with me a minute, and then I came on up into the house.

Q. Where was Mr. Smith at this time?

A. Mr. Smith stopped by us until about the time that Mr. Dakin turned towards the front door. It strikes me that some person came along to whom Mr. Smith spoke, and he started to come along.

Q. Before the end of this conversation?

A. Yes, sir, I think about the time Mr. Fellows and I stepped to one side was about the time Mr. Smith started to come along.

Q. Where did you go after this conversation took place?

A. I came up into the hall to speak with the chairman of the committee. It occurs to me now that Mr. Dakin said there would be no hearing until Mr. Shackleton returned. I then asked him if there had been an arrangement made with the committee for a postponement of the hearing? He said there had. I wanted to be entirely certain that there was no misunderstanding about it, and so I came up for the purpose of seeing the chairman, but I saw that the members were busy on the floor and I stopped but a few moments and went down.

Q. Did you meet Mr. Dakin again that day?

A. I did.

Q. About what time?

A. I should think about eleven o'clock or a little past.

Q. Where did you meet him?

A. As I said I went down from this building. As I got down to the crossing of Capitol avenue, I believe the street is called that goes from the building down, and Michigan avenue, if I am right in the name of the street that crosses it, I saw on the opposite side of the street Mr. Recorder Crowley of the city of Saginaw, who came down with us that morning as one of the gentlemen, and Mr. Dakin and Mr. Fellows standing on the opposite corner. I crossed over to them and spoke to them a few words, then I made some further inquiry of Mr. Dakin about the charter. I think I asked him at that point what had taken place with reference to our charter since we were here on a former occasion.

Q. What answer did he make, if you remember?

A. He immediately spoke of Mr. Shackleton's going back to Saginaw for money.

Mr. Holden—Tell us what he said.

A. He said: "Mr. Shackleton came down last night; he and Mr. Linton have been talking over about a compromise, and we need some money and he has gone back to Saginaw for them to consult the people there and to get some money." There were a good many persons passing there at that time. I suppose around the corner in a space of 30 feet each side of us were perhaps 15 or 20 persons passing one way or the other, and the four of us standing there were in the way of persons passing, and we stepped one side and moved along the length of the bank building. During that time I don't remember that anything was said upon that subject. At the end of the bank building there is a restaurant, I think it is marked on the window the "Windsor," and I think some one suggested that we go inside, I don't remember which it was, I am certain it was not myself, but one of the party. We went inside. The front room was a small room, with a counter on one side, with candies and confectionery if I remember right, and back of that was a dining room with some tables; it was suggested that we sit down there and talk about the matter.

We went into one of those stalls and sat down by the table and resumed our conversation.

Q. Who sat down at the table?

A. Myself, Mr. Dakin, Mr. Fellows, Mr. Crowley—the four of us.

Q. State the conversation that took place there?

A. I then said: “I would like to have you now tell me, Mr. Dakin, definitely, what you regard it necessary to do in regard to our bill.” He turned around towards me and said: “As I told you before, we never can get that bill through the House unless we have some money to do it with.” I inquired of him how much money he wanted or he needed—no, that was not the next inquiry. The next inquiry I made of him was this: I said, “If we get a favorable report from the committee is there any doubt but that that report will be adopted by the House?” He said, “There is no doubt of it if I can have what I need to do it with.” I said, “How much have you an idea that you will need?” He said, “That I cannot tell until I begin to work; until I canvass this matter some more.” He said, “Now, we were out last night; we were out until twelve or one o’clock with some of the boys, we were out with seven of them and we spent considerable money. There is four of them are all solid,” or words to that effect; he used the word “solid” and as to their being “all right.” Mr. Fellows took some part in the conversation. Shall I relate what Mr. Fellows said?

Q. Yes. This was in the presence of Mr. Dakin?

A. Yes, sir; while we sat there at the table.

Q. This was on the same day, the 19th, was it?

A. Yes, sir.

Q. Here in the city of Lansing?

A. Yes, sir; Mr. Fellows remarked that he was promised some money before he came down here, but no one gave him any money and he came with what he had in his pocket; that he had \$32 in his pocket when he left home, he had paid his expenses and he had used it all up. This was on Tuesday, and he said that he came down on the morning train Monday. I then asked Mr. Dakin how much money he had an idea he was going to need, and he replied as I stated, that he could not tell until he had made a canvass.

Q. Did Mr. Fellows indicate in what manner he had spent that \$32 at that time?

A. I don’t think he did while he were sitting by the table.

Q. What did Dakin say in reply to your question how much money he was going to need?

A. That he could not tell until he began to work, until he had made some further canvass in the matter. He said that Mayor Shackelton had promised to telegraph them down some money as soon as he got home, that they could not commence work until they got some money, because if they should go to a man and talk with him and promise him some money—he didn’t say “promise him some money,” he said “make any promise to him.”

Mr. Van Zile—Supposing you make the correction so that the House can hear it.

He said, “If we should go to a man and talk with him and make him any promise, and then for any reason I would fail to get the money, he would be disappointed, and he would go back on us, and it would hurt us rather than help us,” and so they could not commence doing any work until they got the money. I then said, “Is this a prudent thing to be talking about the use

of money in this way?" He said "Yes; you gentlemen don't need to be known in the matter, at all; you furnish the money to me; or if you don't want to trust me, you can give it to Mr. Fellows and I will attend to the rest of it." I said, "What do you propose to do with it; how do you propose to use it?" He said, "Well, I am pretty well acquainted with a good many here. Now, there is a large number (I think thirty-four was the number stated), of Grand Army men here that are members, and I am pretty well acquainted with them, and so is Mr. Fellows. I will go and see any one of them that I deem proper, and talk with him, and if I think I can use some money with him I will make an appointment for him to meet Mr. Fellows, then I will see Mr. Fellows and Mr. Fellows will give him what I think is proper." I asked how many members there were—or at this point I said, "Is this customary, when a bill is pending here, do members expect to be seen in this way?" He said, "Why, of course they do."

I again pressed the inquiry how many there were of those that he would want to see. He said that there were a good many of these Grand Army men and there were a good many Democrats too that were not Grand Army men, and he could not tell until he had canvassed the matter. I said, "Suppose you name them over and let us see." He commenced very thoughtfully and mentioned, I think, about two names, I do not recollect who they were, that he wanted to see, and he hesitated. I pressed the inquiry some more as to the number, and he did not seem to make any progress in stating the number. I then thought of a roll call that I had in my pocket and I took that out.

Q. Mr. Eaton, do you recognize this communication?

A. I do, sir.

Q. Is that a communication made by you to this House?

A. That is a communication that I made to the Speaker.

Q. Do you recognize this roll call?

A. That is the roll call I allude to.

Q. That is the one you took out of your pocket at that time?

A. Yes, sir.

The following is a copy of the roll call submitted in evidence in this case and marked as an exhibit therein:

YEAS. NAYS.

Mr. Abbott,
 — Allen, —
 Anderson,
 Ashton,
 — Baker, S., — 5
 Baker, W. A.,
 — Baldwin, — 5
 Bardwell,
 Bates,
 Baumgardner,
 — Beecher,
 Bettinger,
 — Bently, — 5
 Breen,
 Brock,
 — Burr, — 5
 Cady,
 Cannon,
 Case,
 Chamberlain,
 Chapell,
 Chapman,
 Cole,
 — Crocker — 10
 Cross,
 Dakin,
 Damon,
 Dickson,
 — Diekema, — 10
 Dillon,
 Dougherty,
 Douglass,
 Dunbar — 5
 Eldred,
 Engleman, — 5
 Goodrich,
 Green,
 Grennell,
 — Harper,
 — Haskin,
 Herrington, — 10
 Hill, —
 Hoaglin,
 Holt,
 Hoobler,
 Hosford,
 Houk,
 Hunt,

— Jones,
 — Kallander,
 Kelley,
 Killean,
 Kirby,
 Lakey,
 Lincoln,
 Linton,
 Makelim,
 — Manly, — 10
 — McCormick, — 5
 McGregor,
 McKie,
 McMillan,
 Mulvey,
 Ogg,
 O'Keefe, — 5
 Oviatt,
 Pardee,
 Perkins, — 10
 Pettit,
 Pierce,
 Powers,
 Preston,
 Reader,
 Rentz,
 Robinson, J. W.,
 Robinson, R.,
 Rogers,
 Rounsville,
 — Rumsey, — 25
 Simpson,
 Snow,
 Spencer,
 Stuart,
 Thompson,
 Tindall,
 Van Orthwick,
 Vickary,
 Vroman,
 — Washburn,
 Watson, F. H.,
 Watson, H.,
 Watts,
 Webber,
 Wellman,
 Williams, T. H., — 10
 Williams, W. W.,
 Wilson,
 — Wood,

The Speaker—This question has been handed up: Did Mr. Dakin mention any names that he was out with the night before that were “solid?”

A. He did not.

The Speaker then announced in accordance with the rule, that the House would stand at recess until 2 o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

The investigation of the charges against Representative Dakin was then resumed.

The Speaker—The committee on the part of the House will proceed with the examination of the witness, and the members will please give attention.

Frederick L. Eaton recalled.

Examination resumed by Mr. Diekema:

Q. At the close of the session this morning you stated that at the time you were together there in this stall you took out a roll call from your pocket. Will you go on and continue the conversation that took place at that time? Narrate it.

A. After Mr. Dakin made such slow progress in naming the parties whom he wanted to see, I took out this roll call and commenced reading the names over myself. Mr. Dakin sat at my left.

Q. (Showing witness a roll call.) This is the roll call, is it?

A. This is the roll call. As I read the names he would say, “Now, such a man I shall want to see.”

Mr. Holden—Tell us what he said. Do not give us your construction. Give the names of the persons.

A. As I read the second name—the second name that I read, Mr. Allen—he said, “There is a man I shall want to see.” I passed along down until I came to Mr. Baker, and he mentioned Mr. Baker. At the same time he took hold of the side of the roll call and as he went along mentioning the names I tried to keep count of them. When I had got along down so that I had counted about seven names, some conversation took place which I do not remember, but which made me lose the count.

I then said, “Mr. Dakin take your pencil and check those names which you want to see.” He took a pencil and commenced checking, and after he had checked two or three upon the left hand side he said, “This roll call has already been checked before.” I said, “Make a different mark then.” He looked it down and he said, “There are no marks on the right hand side and I will check it on that side.” So he commenced again and went through and checked it, during which time I don't remember that there was any conversation about this matter. He then counted the names that he had checked and said, “There are seventeen that ought to be seen, and there may be others; I can't tell about that till I get to work.” I then said, “What is your idea of the amount that you are going to use with each one?” He said, “Some I should give more and some less. That will depend on circumstances.” I then said, “Put down the amounts which you think you would

wish to use and let us make an estimate of this." He took the pencil and went over the list again, occasionally making some remark.

I do not recall any of the conversation until he came to the name of Representative Rumsey. He says there is a man that I shall have to give as much as \$25 to secure. Mr. Crowley remarked that he had on a former occasion been introduced to him, and that Mr. Rumsey was a very able man. That was about the only remark that Mr. Crowley made during the checking and marking. I then took the list and added it up and said, "That amounts to \$125." He said yes, and undoubtedly there will be others that I shall want to see in addition to that. About this time, in the adjoining room, I think, they began to go in to dinner, or else there was a call to dinner, and some remarked it is dinner time, and we got up and started out. When we got up I had the roll-call in my hands. I turned around to get my hat, which was on the floor, and as I turned back Mr. Dakin had taken the roll call and put it into his pocket. I paused a moment and I said, "Mr. Dakin, let me see that paper again." He took it out and I looked at it a moment while he waited for me and then folded it up and put it into my pocket, and that ended that interview.

Q. How did you happen to have that roll call in your pocket?

A. I had it in my pocket for at least a month. On a former occasion, I think it was the second time the Saginaw deputation was here to see about the charter, and they had been here, I think it was the eighth time. We found that the hearing was postponed, and we were standing in the back part of this room. There was Mr. Jerome, ex-Senator Foot, Col. Little, Mr. Crowley and one or two other gentlemen and myself. It was suggested that inasmuch as we were not to have a hearing that day and we could not get away until night, that we busy ourselves by calling upon such members as we were personally acquainted with and see if there was a feeling of opposition to the charter, as had been represented, or what the feeling was. Each one to see his acquaintances personally, and the inquiry was made as to whom each one was acquainted with.

I could not recall, although I knew I was acquainted with several, I could not recall their names. Ex-Senator Foote sent for a manual, said we would look at a list of the names. Col. Little suggested that the most convenient thing was to get some copies of the roll call, and I think he sent a boy to the clerk's desk, or some other place, and he came back with half a dozen or more copies, and each of us took a copy and looked it over. After we had looked them over we put them into our pockets. Mine had remained in my pocket from that time until the time I speak of.

The Speaker—The following question has been handed to me to put to the witness:

Q. How did it come that Mr. Dakin did not name any amount opposite Mr. Allen's name?

A. That name, and at least one other name, I saw that he checked he did not place any figures after. No reason was assigned. No remark was made about it.

Q. Will you explain how these checks happened to come on the left hand side. There are other checks, are there not?

A. Yes, sir. When that roll call was first handed to me I took my pencil and as I ran down the names I ran down to see if it was a full roll call of the House, that is, if the roll call was full, and I made a check every ten names,

and I think those were all of the checks that were on the roll call at the time I handed it to Mr. Dakin. Mr. Dakin commenced checking it on the left hand side and he made all of the checks except the checks here at the end of each ten names. Those checks between each ten names were made when the roll call was first put into my hands a month ago.

Q. You say you were in a restaurant and a sort of saloon. Was there any liquor used at that time by any of you?

A. Yes, sir.

Q. State how much and what, and by whom was it used?

A. A little before I took the roll call, the landlord of the place, I suppose, came to the door and looked in a moment and said, "Gentlemen, can I do anything for you?" Mr. Crowley said, "Yes, let us have something," and someone said, "What will you take, what will you take?" and each of us named the beverage of our choice and it was brought in.

Mr. Holden—Tell what was said.

A. Mr. Dakin was the first one. He said he would take some sour wine. I think I was the next. I said I would take some whisky. Mr. Crowley said he would take some whisky and Mr. Fellows took whisky. The landlord remarked, "Three whiskies and one sour wine," and went away and brought them in. That was all the liquor that was used.

Q. Did you have any subsequent talk with Mr. Dakin?

A. I do not now recall that I had any further talk.

Conductor Diekema—I now desire to offer this roll call in evidence and have it marked as an exhibit in this case.

Judge Van Zile—I object to the introduction of this list upon the ground that there is a variance between the proof and the allegation in these specific articles. If there is any specific article that is here charged against this man Dakin under which this could possibly be admitted it is the third, and the allegation in the third specific article is that on the 19th day of April he made a list of names of certain members of the said House of Representatives of the State of Michigan, together with the amount of money necessary to procure evidence and influence of each of said members, etc., setting out the list as follows: S. Baker, \$5, etc. The piece of proof that they undertake to introduce under that specific article is simply a list of printed names that was never made by Dakin. There is no pretense that he made them, but some check-marks opposite some printed names.

I do not know how far we are to be governed by the rules that would govern in a court of justice, but certainly that piece of proof could not possibly be admitted in any court of justice under such a charge as that. Therefore, I say it is a variance, and it is very apparent: First, this does not prove; nor is it pretended that Mr. Dakin made any list. He simply checked opposite names that were already printed in a list; second, there is not any mark of dollars or anything to indicate what the figures mean, whereas in the specific articles they charge that he made a list with the amount of dollars opposite each name and that he made the list. I say that is a variance, and these gentlemen ought to charge what they propose to prove or else they should not be permitted to prove it.

Mr. Conductor Diekema—Mr. Speaker, in the first place I propose that no gentleman would see any difference between making a list originally and writing out the names and making figures opposite names that were already printed. There certainly can be no distinction there whatever. A list of

names is just the same as a list of names whether I write or mark a figure opposite the name or whether I write the figure upon a printed list. So much for the first objection made by the gentleman. The second objection is that these figures although corresponding have no dollar mark before them. Mr. Speaker, we have proved by the gentleman that these figures represented dollars; that he has stated that when 25 was written opposite Mr. Rumsey's he said it would take at least twenty-five dollars.

Mr. Dodge—What witness do you refer to?

Mr. Conductor Diekema—To Mr. Eaton. He has sworn that Dakin said it would take at least twenty-five dollars to purchase Rumsey, and the whole matter when footed up amounts to \$125, and no other calculation than to figure these figures as representing dollars will make it foot \$125. It seems to me the objection is very trivial and not well taken.

Mr. Van Zile—That is a very handsome way no doubt of disposing of the objection; that is very trivial. The list of names that is introduced is a list of all the members of this House. The list of names that is charged is a list of some twelve names. The proof is that we did not make the list, nor is it pretended that we made the list. We merely checked over a list that was already made. The specific charges are, that in that list that they proposed to introduce here are figures and dollar marks. The list that they introduce has nothing of the kind. By the sixth rule that this honorable body has adopted for the trial of this case, "All the rules, legal and usual, governing cases of law in courts," shall govern this case.

The Speaker—The chair is of the opinion that the testimony had better be received.

The witness—I wish to make one correction. In reply to a question whether I had any further conversation with Mr. Dakin, I did not recall the conversation which was had at which I was present in the Speaker's room on the following day, in the presence of fifteen of these gentlemen—if that was intended to be covered.

Mr. Conductor Diekema—I did not intend to cover that.

CROSS-EXAMINATION.

By Mr. Dodge:

Q. How long have you been practicing law?

A. Something over 20 years.

Q. You are how old?

A. Fifty one years.

Q. What official positions have you held?

A. The first office I ever held was a member of the House of Representatives of the State of New Hampshire in the year 1860.

Q. And you held that for one term?

A. One term.

Q. Won't you give us a history of yourself from that time until you came to Saginaw, what you did.

A. I held the office of Representative, that was immediately after I came from college.

Q. You were how old at that time?

A. I was born in 1835, and that was in 1860. I was 25 years old. That same year I came to Michigan. I stopped in Lenawee county, in the village of Blissfield. I had charge of the school there for about the five following

years, during which time I read law, was admitted to the bar and commenced practice in Blissfield. About 1865 or 1866 I came to Saginaw.

Q. You have lived there ever since?

A. I have lived there ever since.

Q. I think you stated this morning, on your direct examination, that the first office you held in Saginaw City was that of justice of the peace.

A. Yes, sir.

Q. How long did you hold that office?

A. I think it was eight years.

Q. How long had you been in Saginaw before you were elected to the office of justice of the peace?

A. It was the following spring.

Q. On what ticket?

A. On the Democratic ticket.

Q. How long did you hold the office of justice of the peace?

A. I think it was about eight years, and I don't recollect, it is possible that the first time I was elected it was to fill a vacancy, and it might not have been quite eight years.

Q. What was the next office that you held?

A. At the same time I was elected several times as supervisor of my ward.

Q. On what ticket?

A. On the Democratic ticket.

Q. How many times did you represent your ward on the board of supervisors?

A. I think I was elected from my ward at least twice, possibly three times. I was then appointed controller of the city, and by virtue of being controller was *ex-officio* a member of the board of supervisors. I have held that position by appointment once since.

Q. What was the next office, aside from justice of the peace and controller, that you held in Saginaw City?

A. I had been on the board of health, if you would call that an office, for about fifteen years, and have been president of the board for about twelve years.

Q. What office have you held in Saginaw City other than those?

A. A year ago I was appointed city attorney and held that office during the present year.

Q. Are you still city attorney?

A. No, sir.

Q. Were you re-appointed city attorney at Saginaw City?

A. No, sir.

Q. Were you nominated as city attorney by Mayor Hill during the latter part of his administration as mayor of Saginaw City?

A. He nominated me.

Q. You were nominated, but were you elected by the council?

A. No, sir.

Q. Was Mr. Fellows a member of the council at that time?

A. Yes, sir.

Q. Was Mr. Shackleton, the present mayor of Saginaw City, a member of the council at that time?

A. Yes, sir; may I explain?

Q. When I want you to. Did you have any trouble about your confirmation.

Q. Did you make any effort in connection with your confirmation with the board of aldermen?

A. No, sir; I never asked an alderman nor any party to nominate or vote for me in my life.

Q. Was any one nominated after the council rejected your nomination by Mayor Hill?

A. No, sir.

Q. Did you still hold the office of city attorney?

A. I did.

Q. Who was your successor as city attorney?

A. Frank E. Emerick.

Q. Frank E. Emerick is the present incumbent of that office?

A. Yes, sir.

Q. Who sent his name in; have you means of knowing?

A. I was not present, but it was since Mayor Shackleton was mayor.

Q. When was that?

A. Sometime in April; it was since the spring election.

Q. Have you any means of knowing how Mr. Shackleton and Mr. Fellows voted on your confirmation?

A. I don't remember. I cared so little about it that I paid no attentino to it.

Q. Do you say that you do not know how they voted?

A. I think they both voted against my confirmation.

Q. Don't you know it without any guess work or thought about it?

A. Yes, sir.

Q. Why didn't you answer the question when I asked you before?

A. I did not recall the fact.

Q. You have just recalled it?

A. Yes, sir.

Q. What was the salary of city attorney of Saginaw City during your administration?

A. Five hundred dollars a year.

Q. And you did not regard it as worth seeking a re-nomination or re-election to that office, did you?

A. No, sir.

Q. How long did you hold the office after the council had rejected your nomination, or refused to confirm your nomination?

A. Until my successor was appointed and qualified.

Q. How long was that?

A. About a month, from the first of March to the first of April, it was a month and nine or eleven days.

Q. Since then Mr. Shackleton has become the mayor?

A. Yes, sir.

Q. When was he inaugurated mayor?

A. Immediately after election, I think about the 9th or 7th of April.

Q. By what party?

A. The Democratic party.

Q. What party are you a member of?

A. The Democratic party.

Q. And have been all your lifetime?

A. Yes, sir.

Q. How many political parties are there in the Saginaw valley to your knowledge?

A. I think there were at least four in the field at the late election.

A. What are they?

A. There was a democratic ticket, a republican ticket, a union labor ticket, a prohibition ticket and a citizens' ticket—there were five tickets.

Q. How long have you been interested in the amendments of the city charter that have been before the Legislature?

A. I was one of a committee.

Q. Answer the question, please.

A. About six months.

Q. What reason did you have for interesting yourself in the city charter?

A. I was one of a committee appointed for the revision of the charter.

Q. Mayor Hill was chairman of the committee?

A. Yes, sir.

Q. Who drafted the charter?

A. Different parts of it were drafted by different members of the committee. I drafted that part of it which pertains to special assessments, street openings and some other titles.

Q. Can you state what amendments the city of Saginaw was desirous of having the Legislature make in its city charter?

A. Most particularly those with reference to special assessments and street opening; also make the city attorney a member of the board of supervisors. Those were the prominent points that were called to mind at the time the committee was appointed.

Q. It was finally prepared and sent to Lansing, was it not?

A. It was.

Q. When did you first visit Lansing in the interest of the city charter?

A. About the latter part or middle of March, I should say.

Q. The middle of last March?

A. Yes, sir.

Q. How long did you remain here?

A. I think I went home the same day.

Q. Did you come down here then in your official capacity for the city, or did you come down here then, let me ask, as a private citizen?

A. I came at the request of Mayor Hill and the controller of the city.

Q. Who defrayed your entire expenses?

A. The city of Saginaw. That is, after we had been down here four or five times a bill was made out for the personal expenses of each one and was called to my attention, and my attention amongst others were paid by council—\$15.50 for four trips.

Q. That covered your entire expenses for four trips?

A. My entire charges and expenses for four trips?

Q. What was the arrangement made with you when you came down here in behalf of this committee or of the mayor regarding your expenses?

A. Nothing was said.

Q. Did you have any assurance from any one that your expenses would be paid?

A. No, sir.

Q. You took that responsibility?

A. Yes, sir.

Q. For what reason?

A. I never in my life asked who was going to pay me for my necessary expenses in the discharge of an official duty that I recall.

Q. Then you came in an official capacity?

A. I understood that being city attorney, when called upon by the mayor and controller to assist them in any work, that it was an official duty for me to attend to it.

Q. You came down here you say and the four trips cost you something over \$15.00?

A. \$15.50.

Q. Did you present an itemized statement of your expenditures for those four trips to the mayor?

A. No, sir.

Q. Can you tell us what those expenditures consisted of? The expenditures consisted of money probably, but what for—for what purpose?

A. The railroad fare from Saginaw here and return is at the present time \$3.35. I think it varied a little at that time. The rate I don't recall. Then the hotel bills—I stopped at the Hudson House, and I think they charged us two dollars a day, or at that rate.

Q. How many days did you stop at the Hudson House?

A. I suppose that I was there altogether may be three or four days. Some days when we came down in the morning and went back at night, we only stopped there at dinner.

Q. Before your term of office expired, how many times did I understand you to say you had been down here in the interest of the city charter?

A. I should think three or four times.

Q. And how many times since? Correct yourself, if you desire, in that regard.

A. Perhaps, strictly speaking, the year for which I was appointed would expire the 1st of March. Up to the 1st of March I don't think I had been down here at all. I think it was sometime in March when I came down first, so that perhaps it is correct to say that before the year expired had not been here at all.

Q. You were still acting in an official capacity?

A. Yes, sir.

Q. How many times were there during the time that you held your official position that you were down here in the interest of the city charter?

A. I think there were four trips for which the city allowed the expenses of the committee, and I believe we were here once or twice since.

Q. Then you have been down here altogether in the interest of the city charter five or six times?

A. Eight times, I believe.

Q. Now if you were down four times during your official position you have been down here four times since?

A. I presume so.

Q. Does that include the present time?

A. No, sir.

Q. You have been down here nine times; eight times with reference to the charter and once since, on this occasion, is that correct?

A. Yes, sir; I have been here that number of times this winter.

Q. More than that?

A. I don't recall that I have been here more than that.

Q. For what purpose did you come down here after your term of office had expired ; was it with reference to this charter?

A. Yes, sir.

Q. At whose solicitation, if anybody's, did you come then?

A. At the personal solicitation of the controller.

Q. Who was he?

A. Mr. William Binder.

Q. The first time you came at his solicitation?

A. No, sir.

Q. The first time after your official position had expired?

A. Yes, sir.

Q. And then the next time, which would be the sixth trip down here, at whose instance did you come then?

A. No one's except the chairman of the committee, Col. C. D. Little.

Q. What interest had Col. C. D. Little in the charter?

A. He was appointed by the common council after we had come to an understanding about matters so that it was understood.

Q. Who had come to an understanding?

A. After we had come to an understanding between the committee that had been down here and Representative Dakin, and some parties that he represented, or that were jointly represented with him.

Q. Who were the parties that were jointly represented with him that you speak of?

A. They were gentlemen who represented the Labor Union party of Saginaw.

Q. How many of them to your knowledge were interested in this matter?

A. I remember seeing two of the gentlemen here, Mr. Joseph Saunders and Mr. James Roach, of Saginaw.

Q. Any others?

A. I do not now recall seeing others.

Q. Of whom did your committee consist aside from yourself and Mr. Little, its chairman?

A. Mr. Little was appointed by a resolution to take charge of the looking after it, with instructions to invite such gentlemen to assist him as he saw fit.

Q. That resolution was passed by whom?

A. By the common council.

Q. Did Mr. Little employ you then?

A. Mr. Little came to my office and urged me to come down.

Q. When was that?

A. It was since the spring election.

Q. This last year?

A. Yes, sir ; since the April election.

Q. Can you give us about the date?

A. Oh, I should think it was within a day or two after election.

Q. The election was on the 4th day of April, was it not?

A. Yes, sir.

Q. And it was, you think, the 5th or 6th of April?

A. About that time.

Q. That was the sixth trip on which you had been down here, was it?

A. I cannot say.

Q. Who interested you in coming down here on the occasion of your sixth visit here?

A. I cannot specifically call those visits the sixth or other visits, because I have no memorandum of it.

Q. You say on the occasion of your fifth visit you came down here at the solicitation of the controller, Mr. Binder. Now can you tell the Speaker and the House at whose solicitation you came down on the next trip?

“A. I think it was with reference to the same trip that Mr. Binder saw me that Mr. Little also came to the office and saw me. I explained to them that my duties as city attorney had terminated and that I thought they ought to invite the present city attorney in my place.

Q. You are a lawyer, are you not?

A. Yes, sir.

Q. Don't you know that I did not ask you anything of that kind?

A. I am trying to answer your question.

Mr. Dodge—Will the reporter read the question and the answer?

The official reporter read as follows:

“Q. You say on the occasion of your fifth visit you came down here at the solicitation of the controller, Mr. Binder. Now can you tell the Speaker and the House at whose solicitation you came down on the next trip?”

A. I think it was with reference to the same trip that Mr. Binder saw me that Mr. Little also came to the office and saw me. I explained to them that my duties as city attorney had terminated and that I thought they ought to invite the present city attorney in my place.”

Q. That is correct is it?

A. Yes, sir.

Q. You came here then on the sixth trip at the solicitation of Mr. Little and the city controller?

A. Whether it was the sixth trip or some other one I cannot say.

Q. That is the one we are talking about. I have asked you about the 5th.

A. I think it was at the instance of the city controller.

Q. You specified the 5th trip. The 6th would be the next one?

A. I don't remember the 6th trip, nor any other trip by number.

Q. At whose instance did you come down here on the last visit to Lansing, the 8th trip. That would be the last, would it not?

A. No arrangement had been made except the hearing was postponed that we came down to attend to. On the day to which it was postponed—

Q. Let me ask you, you are now talking about the last trip down?

A. No, sir.

Q. That is what I am asking you about. I asked you at whose solicitation you came down on the occasion of your last trip?

A. At the solicitation of Mr. Little and Mr. Binder, at the time they came to see me previous to that.

Q. Previous to what?

A. Previous to that day that we came.

Q. On your last visit here?

A. No, sir. It might have been the fifth or sixth time we came here.

Q. Will you be kind enough to state at whose instance you came the last time?

A. At the instance of Mr. Binder and Mr. Little, as I have stated.

Q. Now, will you give the House to understand at whose instance you made the trip before that?

A. At their instance, as I have explained, at the time they came to me at my office.

Q. On the occasion before that; the same gentlemen?

A. They were never to see me but once.

Q. But you say you came down here on these several occasions at their instance?

A. If you will allow me to explain I will give my understanding of how I came at their request.

Q. I would be pleased to have you.

A. Mr. Binder came to my office; requested me to come down, said he had a dispatch I think from Dakin to send down somebody to look after it. I made the objection that my term of office had expired, and he ought to get the present city attorney to come.

Q. When was this, please?

A. This was sometime after election; sometime after the appointment of Mr. Emerick, I believe. In fact, I know it was. He said that he had seen Governor Jerome and requested him to come; that Governor Jerome had directed him to come and see me as the party who had assisted in the preparation of the charter, and the only person who knew the details and merits of it, and insisted upon me coming, and he came and urged me to come. Mr. Little came on that same occasion and had an interview with me. I made the same objection to him. He stated to me that Mayor Hill, who was chairman of the committee that prepared it, was now absent from the city; that Mr. Dickson, the controller, who aided in preparing it, was now absent from the city, and I was the only one remaining who had taken an active, working part in the drafting and preparing of the charter, and really knew the merits of it, or the provisions of it.

Q. And for that reason he wanted you to come down here?

A. Yes, sir.

Q. Whom did he tell you was to pay your expenses?

A. Nothing whatever was said about expenses or compensation.

Q. Have you at any time received any pay by way of compensation for coming down here since the paying of the fifteen dollars and some cents you first spoke about?

A. No sir.

Q. You have been defraying your own expenses since?

A. Yes, sir.

Q. With no promise of pay or future reward?

A. Yes, sir.

Q. What promise of pay or future reward have you had?

A. I answered your question in the affirmative. I meant to say that it is without any express promise from any person that I should be rewarded for it.

Q. Simply an implied understanding that you will receive your pay?

A. I expect that the city will defray the money that I have disbursed in expenses.

Q. How far do you think the city will pay your expenses? How much have they been? Have you any means of knowing?

A. My judgment is that up to the present time I have expended perhaps fifteen or twenty dollars in coming and going; perhaps not more than twelve or fifteen.

Q. On your several trips down here have you met various members of the Legislature?

A. I have.

Q. Have you undertaken to become acquainted with them?

A. No, sir; except as I have casually been introduced to them the last three or four times that I have been here.

Q. Have you formed acquaintance in the present Legislature among the members?

A. I have.

Q. How many of them, perhaps?

A. Perhaps six or ten.

Q. Will you be kind enough to state their names?

A. I don't know that I can.

Q. Do the best you can.

A. I might by referring to the roll call.

Q. (Handing witness a roll call.) Here is a roll call.

A. I remember Mr. Green, of Bay City. I have been introduced to quite a number of the members, I suppose—

Q. (Interrupting.) Six or ten?

A. I suppose I have been introduced to thirty or forty members, most of whom I never have spoken to since.

Q. You have become acquainted with six or ten, I understand you to say?

A. I believe so.

Q. Mr. Green is the first?

A. Yes, sir.

Q. When did you first become acquainted with Mr. Green?

A. The first time I was here. In fact I knew him before. He lives at Bay City.

Q. Didn't you know him before?

A. I should not have recognized him.

Q. He is somewhat disfigured, but you would not have recognized him?

A. I don't think I should.

Q. Don't you know that you did know him for years in the Saginaw valley?

A. No, sir.

Q. Do you say you did not know him?

A. I say I don't recall having any personal acquaintance with him until I came here.

Q. Don't you know that Mr. Green has been engaged in the lumber business for years in the Saginaw valley and formerly resided in Saginaw?

A. I think his name is familiar to me, but I don't think I had a personal acquaintance with him before I met him here.

Q. Who introduced you to Mr. Green here?

A. I met him at the Eichele House. I think Senator Wisner introduced us. Either Senator Wisner or perhaps Mr. Dakin. I stopped there the first night I was here and found him stopping there.

Q. You stopped at the Eichele House the first night you were here?

A. Yes, sir.

Q. Then on your several visits here you have not gone back on the evening of the morning you came into the city?

A. I stopped over night sometimes.

Q. Is that true?

A. Yes, sir.

Q. Now go on. You have mentioned Mr. Green, and you say there are several other members whom you have met.

A. The members of the committee on municipal corporations I have met every time I have been here; have become well enough acquainted with them so that I think I could call them by name; also the committee on labor interests, the most of them, who have been present the several times that we have been here; I have met them.

Q. Have you talked with those several gentlemen on each occasion you have been here with reference to your city charter?

A. No, sir.

Q. What I want to know is this—To whom have you gone personally with reference to your city charter, when you have been down here on these several visits?

A. Aside from the two committees?

Q. I want you now to give the individual members; either of the committees of the House?

A. I have not had a word of conversation, that I now recall, with the members of either of these two committees, except when those committees were in session—that is, with reference to our charter.

Q. Have you talked with any one not a member of those committees with reference to your city charter, and if so, to whom?

A. I talked with Senator Wisner about it.

Q. Was he a member of the House?

A. No, sir; of the Senate.

Q. We are talking about members of the House.

A. I have had conversation with several of the members that I have stated.

Q. Now give us some of the individuals—their names.

A. Mr. McGregor.

Q. Who else?

A. Mr. Snow.

Q. Who else?

A. Mr. Jerome, and I had a conversation——

Q. Never mind Mr. Jerome. Just members whom you had a conversation with.

A. I cannot say that he mentioned it, but Mr. Jerome——

Q. Never mind. I want to know whom you had a conversation with. While you are thinking about that, what did you have to say to Mr. Snow. He is from Saginaw?

A. Yes, sir.

Q. What did you have to say with him?

A. I discussed it with him coming down on the cars one time.

Q. You came down here to Lansing to see him?

A. No, I came down here to go before the committee on municipal corporations.

Q. How long ago was it that you had a conversation with Mr. Snow?

A. On one of the several occasions when I was coming down.

Q. How long ago, probably?

A. Probably a month ago.

Q. McGregor is from Saginaw county, too?

A. Yes, sir.

Q. What did you have to say to him?

A. I spoke to him about our charter. I asked him if there was any doubt in his mind that whatever report was made by the committee would be adopted by the House without any difficulty. He said there was no doubt whatever.

Q. When was that?

A. That was a month ago. That was the second time I was down here.

Q. What other members had you talked with aside from McGregor and Snow from your county?

A. I cannot recall the names of others. But very few.

Q. Can you point out a single member here?

A. No, sir, I cannot.

Q. You don't remember the name of a single individual and you cannot see one in your presence that you had a conversation with in reference to the city charter?

A. No, sir.

Q. Are there any absent from the House that you had a conversation with?

A. Not that I would say to-day that I had a conversation with.

Q. How many times have you gone before the several committees with reference to your charter?

A. Every time I have been here.

Q. Had a meeting and a hearing?

A. No, for upon one pretext or another the hearing has been postponed from the first time we came here until we had a final hearing on the morning of the 20th.

Q. The first hearing you had was on the morning of the 20th of April, and you have been here six or seven times before that for the purpose of getting a hearing. Is that correct?

A. Yes, sir.

Q. You say upon one pretext or another. What were those pretexts?

A. When I first came down we had learned that the bill had been introduced into this House.

Q. Who had learned that?

A. I had learned it myself. I will say that previous to that I had seen Mr. Dakin and requested him to give notice of the introduction of a bill to amend or revise the charter of the city of Saginaw. He said he would do it. Afterwards I called his attention to it again and he said he had done it. At the same time I told him——

Q. Can you state about when this was?

A. This was about the 19th of February. I told him that the charter was prepared and the controller would give it to him to bring down. He said he would bring it down and introduce it.

Q. What you wanted him to do at that time was to introduce a skeleton bill?

A. No; I desired that he would introduce a bill which we had been three months preparing, and which was then perfect and complete, to revise the charter of the city of Saginaw.

Q. He had the bill in his possession then?

A. No; the bill was in the hands of the controller and the controller had been instructed to deliver it to him.

Q. You did not expect him to introduce the bill until he received it?

A. No, sir; he was in the city of Saginaw and I spoke to him about going to the controller's office to get the bill and he said he would get it.

Q. Has that anything to do with the pretexts we were speaking about, postponing this from time to time?

A. Yes, sir.

Q. Please explain it then.

A. A few days after that I saw in the Legislative proceedings that the bill to revise the charter of the city of Saginaw had been introduced, and on motion of Mr. Dakin had been laid on the table. I had requested him to have the bill referred to the proper committee so that we might appear before that committee and have a hearing, as we knew there would be opposition to at least two features of that bill by neighboring corporations.

Q. Whom do you mean by neighboring corporations?

A. The city of East Saginaw, a city across the river, and the township of Carrolton, which joins Saginaw on the north.

Q. Did you think there would be any opposition from any other source?

A. No, sir. After the bill was laid upon the table the next reference that I saw in regard to it was that the bill to revise the charter of the city of Saginaw had passed the House.

Q. You have explained pretext No. 1. Now is this pretext No. 2?

A. I will briefly explain that.

Q. Please.

A. Mr. Dakin was interviewed with reference to this bill. We also saw from the record that the bill had gone to the Senate and had been referred to the committee on cities and villages. We learned from Representative Linton of East Saginaw that the bill—

Q. You learned from him, or somebody else learned from him?

A. Somebody else learned from him. The city officers of the city of Saginaw—

Q. That is hearsay. Do not give that.

A. I will say that we discovered—

Q. Who discovered?

A. I discovered myself that the bill which had passed the House was not the bill which we had prepared.

Q. What bill was it that had passed the House?

A. It was a bill of amendments to the charter of the city of Saginaw that had been prepared by the labor union men of Saginaw.

Q. And that one you were opposed to?

A. That we were opposed to.

Q. What has that got to do with your coming down here and the delay of your being given a hearing before these committees?

A. I am just coming to that. This bill being referred to the committee on cities and villages of the Senate, a time was appointed for a hearing. Several of us came down. I did not come that time. That was the first time. They came home and no hearing was had. I do not know what the difficulty was, but a hearing had been appointed for a few days subsequent to that. We arranged our business to come down, but just before—

Q. How do you know a hearing had been arranged for you to come down again?

A. It was so reported.

Q. You know that is not proper testimony to give, as a lawyer?

A. No, sir.

Q. You don't know that what they said to you about their arrangements is not proper testimony for you to give on the stand, as a lawyer? Do you say you do not?

A. I understand it is proper testimony.

Mr. Conductor Snow—I object to the counsel talking to the witness in that manner. If he has any questions, proceed.

The Speaker—Proceed with proper cross-examination.

Mr. Dodge—I want to get at the facts, and do not want to become confused more than necessary by the answers

Q. Will you go on and state what those pretexts are that you attempted to tell us about a short time ago?

A. On the day we had arranged to come down here we had received a notice from the chairman of the committee on cities and villages of the Senate that at the request of Mr. Dakin the hearing had been postponed, and giving us notice of the time it had been postponed to. On the day to which it had been postponed we came down again. Mr. Dakin, at whose request it had been postponed that we might appear before that committee, was absent at Grand Rapids. On his return—

Q. Perhaps we can get along without some of that explanation by calling your attention to the fact, did you deem it necessary to come down to make arrangements with the members of the committee or its chairman in order to have a hearing?

A. No, sir.

Q. I will ask you, after you had been here several times, why was it that you did not pursue some other method?

A. We came by appointment.

Q. Appointment with whom?

A. With the committee.

Q. Do I understand you to say that you had an appointment, or your committee did, on several different occasions, and that you came here in pursuance of that appointment and then was unable to have a meeting?

A. Yes, sir.

Q. With whom did you have that understanding?

A. With the committee on cities and villages of the Senate; and on the day on which we appeared before them to have the meeting we found the first thing on the morning of that day Mr. Dakin had had a resolution passed in this House recalling that bill from the Senate, so that when we went before the Senate committee there was no measure pending before them upon which we could be heard.

Q. You did not desire to be heard if there was not any bill, if it had been recalled to the House?

A. We came down by appointment to have a hearing before that committee.

Q. And you wanted a hearing?

A. Yes, sir.

Q. Whether there was any bill there for their consideration or not?

A. The bill was before that committee when we were here.

Q. It had been recalled, and it was back in the House, was it not?

A. Understand me—

Q. I think I do.

A. The first time we came down the hearing was postponed, and on the day to which it was postponed we came down from Saginaw again. When we got here we found that that very morning the bill had been recalled from the Senate, and there was no bill pending there, consequently we could not have a hearing which we had come down for the purpose of having.

Q. You did not want to have a hearing if there was no bill for consideration; that is correct, is it not?

A. After the bill was recalled we did not want a hearing there.

Q. After that bill had gotten back into the House, you wanted a hearing before the House committee?

A. Yes, sir.

Q. Did you make arrangements with some members of that committee to have a hearing?

A. We did.

Q. With whom?

Mr. Conductor Snow—I do not desire to interrupt these proceedings, but I think it is high time this sort of cross-examination were stopped, for the simple reason that it is irrelevant and incompetent and does not pertain to the issue here.

Mr. Dodge—That objection is very broad and possibly may be well taken, but if your honor please, and gentlemen of the House, the purpose of this testimony is very obvious to me and I think is plain to the members of this House. What we want to show by this witness is that he was specially interested in this city charter, and just how he came to be interested is something that we are anxious to ascertain. He has told us about the time he has spent, about his appointments on various occasions and yet he says that the only pay he has received for his services is \$15 and something. We want to show that he was down here not so much in the interest of the city charter of Saginaw City, but that he was down here in the interest of pursuing this man Dakin, and we expect the proof will show before we get through with this hearing that this man is after Dakin now, first, last and all the time, and that he has not been down here once in good faith for the city charter. That is the purpose of this testimony; that is the purpose of this cross-examination.

The Speaker—The chair is of the opinion that there is no objection to such testimony, but it does not see the relevancy of the questions you are asking.

Mr. Dodge—I do not desire to take up the time unnecessarily, and I would not rest the responsibility of this course on my own judgment, did I not consult with my associates with reference to it. I think it is material testimony. I think it is testimony showing the real, true intent and purpose of this man Frederic L. Eaton. He is the man most prominent here to-day and will be throughout this trial, and if we can show to the members of the House—

Mr. Conductor Herrington—I desire to interrupt the gentleman. The Speaker has ruled against him and it seems to me it is improper and not courteous to discuss the matter after we have had a ruling.

Mr. Dodge—I did not mean to be discourteous to the Chair. It is far from my thoughts, but I did not understand that the Chair had ruled that this is improper testimony.

The Speaker—The Chair ruled that the object which you sought was proper enough, but that the question did not seem to lead to that object.

Mr. Dodge—That is possibly true.

The Speaker—It would be more proper to confine questions to that particular object.

Mr. Dodge—I shall endeavor to do so.

Q. You have explained your several trips down here, and now we will come to the final trip, and that was the one previous to this, with reference to the city charter.

A. On the 19th of April?

Q. You came here on that occasion at the instance of Mr. Little and other gentlemen as a member of that committee?

A. Yes, sir.

Q. And when you first arrived in the city of Lansing, you went where?

A. Came directly to the Capitol.

Q. To whom did you go with reference to the city charter, if any one?

A. I saw no member of this body in reference to it until after dinner.

Q. On what day?

A. On the 19th. I came up for the purpose of seeing the chairmen of the two committees.

Q. You say that you saw no one with reference to it until after dinner?

A. No member of this body.

Q. I understood you to say on your direct examination that you saw Mr. Dakin in the morning. Am I correct?

A. That is true.

Q. Did your conversation in the morning which you had with Mr. Dakin relate to the city charter?

A. It did.

Q. Then you were mistaken when you said you had seen nobody a member of this House?

A. My mind was not upon the interview I had with Mr. Dakin.

Q. You had a conversation with Mr. Dakin that morning?

A. I had.

Q. The first conversatioa took place about 10:30; am I correct?

A. I believe about that time.

Q. What conversation did you have with Mr. Dakin at about 10:30?

A. I met him in the lower corridor of this House; J. Smith, of Saginaw, was with me.

Q. Who is J. Smith?

A. He is an old resident of Saginaw City, one of the leading druggists of the town.

Q. He was one of the committee?

A. I believe he was here partly——

Q. Was he one of the committee; you know whether he was or not?

A. I do not remember.

Q. Don't you know that he was not one of the committee?

A. I don't know whether Mr. Little under the resolution adopted by the council had invited him to come here or not, but I believe he had.

Q. Had he been here before in the interest of the city charter?

A. He had on one occasion.

Q. You think he was here in pursuance of an invitation by Mr. Little?

A. I think so.

Q. State what took place with Mr. Dakin that morning.

A. We met Mr. Dakin and Mr. Fellows, spoke to them and shook hands with both of them. I asked Mr. Dakin what the situation was with reference to our charter. He said there would be nothing done to day, or at first he remarked "There will be nothing done, there is no use in your going up for there will be nothing done." I said I did not expect there would be anything done this morning because the hour was appointed for this afternoon. He responded there "There will be nothing done until Mr. Shackelton returns from Saginaw."

Q. Then what took place? Did Mr. Dakin make any reply?

A. I asked him what Mr. Shackelton had gone to Saginaw for, or something of that kind. He turned back to me, he had stepped one or two steps to-

wards the door, he turned back and said that he had seen, or sent, for Mr. Shackleton to come down here and he was expected to bring some money to put this charter through the House.

Q. Now, this is what Mr. Dakin said at the first meeting on the 19th of April? And who was present and heard him say that?

A. Giles Fellows was there.

Q. State whether or not Mr. Fellows and Mr. Smith heard Mr. Dakin say that Mr. Shackleton had gone to East Saginaw and would either bring down some money or telegraph some.

A. I don't think in that interview he said anything about his telegraphing money.

Q. Leaving out the telegraphing, did he say in the presence of these gentlemen and within their hearing that he would send some money down here in the interest of this charter?

A. He did not.

Q. State just what he said.

A. He said that he came down and was expected to bring some money to put that charter through the House with, but did not bring any except seven dollars, and he gave that to them and they have used it, but that didn't amount to anything, and he had gone back to Saginaw to get some more money and there would not be anything done until he got back.

Q. Mr. Dakin made this statement to you in the presence and hearing of Mr. Fellows and Mr. Smith?

A. Yes, sir.

Q. And they were standing where there isn't any doubt but what they could have heard what he said?

A. I think there is no doubt of it.

Q. What reply did you make him about that?

A. I asked him what he wanted of the money, if there were any expenses to pay. He hesitated a little, and I think his reply to that was "You know what I mean."

Q. Did you know what he meant? Did you think you knew?

A. I believe now that I know what he meant.

Q. Did you at that time know it?

A. No, sir.

Q. You were innocent of what he meant at that time?

A. Yes, sir.

Q. You didn't have any idea?

A. I didn't have any idea. It did not occur to me that anybody was asking or could be asking for money to use in any such way as he afterwards suggested; that did not occur to me.

Q. What did you think he meant when he said that to you?

A. I didn't know but there might be some expenses that had been incurred or something of that kind.

Q. What expenses did you think there were that might have been incurred?

A. I knew he had some friends down here who were in consultation with him, had been down here at least a couple of times, and I didn't know but there were some expenses they wanted to—in fact I didn't stop to think what expenses there might be.

Q. Did it strike you as anything strange when he told you that he had received seven dollars, and that it didn't amount to anything?

A. It did not when he said that.

Q. And you paid no more attention to it?

A. If that had been all there was to it I should have thought nothing about it, because with the four or five persons that had been here once or twice, I should not have been surprised at an expenditure of perhaps twenty or thirty dollars.

Q. What do you say were the one or two occasions when you were led to believe that twenty-five or thirty dollars might have been expended?

A. It occurs to me that I have seen of the gentlemen who represent the Labor Union party, it may be that I have seen three, or four, or five of them down here at least two or three times when I have been here, and their expenses in coming and going would amount to at least five or six dollars apiece.

Q. Did you think in that connection that Mayor Shackelton was putting up seven dollars and going back for more money?

A. I didn't think anything about it at all.

Q. Won't you please explain how it is that you thought that this money was being devoted to that purpose?

A. I didn't think anything of it, but I supposed there might be some expenses, and there had been some talk of coming to an understanding.

Q. What was this expense for?

A. Hotel bill and railroad fare and the like of that.

Q. "And the like of that," what does that mean? Do you mean for drinks?

A. Drinks and cigars and all such things as are usually used upon such occasions.

Q. As are usually appropriated upon such occasions?

A. Yes, sir.

Q. Have you ever seen down here at Lansing drinks or cigars appropriated for occasions of that kind?

A. Amongst the deputation?

Q. With anyone?

A. I think amongst the Saginaw deputation I have seen some cigars used and some drinks used.

Q. Have you appropriated them yourself?

A. I have.

Q. Whereabouts have you seen those things done?

A. At the Hudson House and at Eichle's the first time I stopped there.

Q. Where else?

A. I don't recollect any other place except on the occasion I have alluded to at the Windsor saloon.

Q. How many drinks were taken there that day by that party?

A. Only one.

Q. How many drinks already had you taken that day?

A. I think that was the first one.

Q. And the last one?

A. I won't say the last; but I don't recall any other.

Q. As we have touched upon that subject, pardon me if I ask if you are in the habit of drinking liquor?

A. No.

Q. Except when you come to the Capitol?

A. I will not say that. I am not a radical temperance man.

Mr. Lakey—I object to that kind of question. I would like to ask the chair to rule upon it.

Mr. Dodge—This is asked in the very best of good faith, and I took pains to ask the gentleman's pardon. We had been touching upon that subject and I am very glad I asked the question because the witness turns out to be a better man in that regard than I had supposed him to be. I asken the question in good faith and not for the purpose of making sport.

Mr. Dodge—I want to simply show whether upon these occasions down here he has been in the habit of drinking, and when he has had these interviews with Mr. Dakin on these occasions if he has not been somewhat under the influence of liquor. If he has not certainly the House will be glad to know it, and if he has they certainly ought to know it in the interest of Mr. Dakin.

The Speaker—The chair is of opinion that the question whether he was under the influence of liquor at the time would be proper.

Mr. Dodge—Suppose it should turn out from the evidence in this case that Mr. Eaton was a man in the habit of using intoxicating liquors, or that he was an habitual drunkard, or an habitual drinker.

Mr. Conductor Diekema—If the gentleman will pardon me, since it has been partially gone into, it is the desire of the committee that they shall draw out this whole liquor question at this time, both as to his habits in Saginaw as well as in Lansing.

The Speaker—The chair has no objection to the testimony going in. My ruling was simply with a view of shortening the proceedings, not deeming the testimony relevant in his case.

Q. If you desire some water you will find some in that pitcher before you.

A. I very seldom use it.

Q. You have stated on that occasion there was only one round of liquor ordered by this gathering?

A. Yes, sir.

Q. Do you know whether or not they had been drinking when you came in?

A. I do not.

Q. You have related the conversation that took place down at the Windsor restaurant, and you say that the Windsor restaurant, if you will allow me to correct you, is on Michigan and Capitol avenue. Its off the main street.

A. On the street leading down to the bridge?

Q. Yes.

A. Then I was mistaken.

Q. Then you meant on the corner of Washington and Michigan avenues?

A. Yes, sir.

Q. And you went down to the restaurant and went in, and on the counter there were some candies and confectionery?

A. Yes, sir.

Q. And then do you mean that at the back part of that room there were some stalls in there?

A. No, not in that room.

Q. You do not mean to say there were candies and confectionery in the room where the stalls were?

A. No, sir.

Q. You were mistaken about that?

A. No, sir; I did not so state.

Q. Did you state this morning that you went into a place where there were candies and confectionery on the counter?

A. I said that I did not observe particularly what was there, but I think there was a show-case with confectionery.

Q. You know that there is a restaurant this side of there?

A. No, sir, I never was in there.

Q. Have you ever been to the bakery and restaurant this side of the Windsor saloon?

A. No, sir; the only time I was ever in the Windsor saloon was upon that occasion.

Q. When you go back into the Windsor saloon are there stalls in there?

A. I think there were.

Q. You went into the one on the right or left?

A. On the right.

Q. That is provided with curtains?

A. Yes, sir.

Q. And the curtain slides so that you are in there out of sight?

A. That is what it is there for.

Q. And there is where you went with Mr. Dakin and these other gentlemen?

A. Yes, sir.

Q. After you got there, how long was it before the drinks were brought in?

A. I think, fifteen minutes.

Q. What conversation did you have on the corner of Michigan and Washington Avenues, before you went into this stall, with Mr. Dakin?

A. I inquired of Mr. Dakin what had transpired with reference to our charter since I was here before.

Q. I understood you to say that this morning, but did not you make that inquiry when you first met him at 10:30?—You met him first at 10:30?

A. Yes, sir.

Q. You had a talk about it and he told you what was necessary to be done, then, where did you go next?

A. At the corner of Washington and Capitol avenue.

Q. Michigan avenue.

A. Yes, with that correction it would be at the corner of Michigan and Washington avenues. It is where the city national bank is.

Q. Then you were near this corner of Michigan and Washington avenue?

A. That was the place.

Q. What time was this in the day?

A. About 11 o'clock.

Q. About thirty-five or forty after you say you met him in the capitol?

A. I should think so.

Q. You had a talk with him in the capitol about the city charter and as to what was necessary?

A. Yes, sir.

Q. Then when you met him the next time it was there on the corner, and you asked him what the situation of the city charter was?

A. No, sir.

Q. What did you ask him?

A. I asked him what had been done in the matter since I was here before. Mr. Shackleton and Mr. Fellows I had learned since I came here had been down here during the day before and they had been trading with reference to it.

Q. Trading?

A. Yes, sir.

Q. Trading property?

A. No, sir; they had been making a trade; they had been compromising so as to satisfy——

Q. Compromising what? Themselves or whom?

A. I understood that they had entered into a written agreement with the parties representing the opposition to our charter that certain concessions should be made with reference to expenditures or future taxation, and the payments of improvements recently made, and that then the opposition of Carrolton and East Saginaw parties would be withdrawn. I had heard this in a general way, and when I met them there my purpose was to ask what had been done by these gentlemen, which had all taken place since I was here before.

Q. You had come down here right from Saginaw where these gentlemen were?

A. Yes, sir.

Q. And you say you met Mr. Dakin at the capitol?

A. Yes, sir.

Q. You had a little talk with him there, but you didn't ask him what had been done other than by way of amendment, or agreed upon, or what compromise had been made?

A. Here in the capitol?

Q. Yes.

A. But when you met him down there on the corner as you say, you for the first time asked him the details?

A. Yes, sir.

Q. Did he tell you them?

A. No, sir.

Q. What else took place there?

A. In response to that question Dakin alluded to the fact that Mayor Shackleton had gone to Saginaw to get some money and to have a consultation.

Q. How did he come to make reference to that subject again?

A. I asked him the question, what had been done with reference to our charter since I was here before. Whether I mentioned Mayor Shackleton or not I don't know. He immediately responded that Mr. Shackleton and Mr. Fellows came down yesterday, and that Mr. Shackleton had gone back to Saginaw with Representative Linton to have a consultation with people there, and again alluded to the fact that he was going to bring down some money.

Q. And this he stated of his own volition without any question coming from you?

A. Yes, sir.

Q. He seemed to be talking that to you incidentally?

A. Yes, sir; it seemed so to me.

Q. And this was in the presence of these other men?

A. Yes, sir; and in the presence, I should say, of from 15 to 20 men who were coming and going within 30 feet of us.

Q. He didn't seem to take any pains to guard himself—he talked it right out?

A. Yes, with surprising freedom.

Q. To whom was it surprising?

A. To me.

Q. You were very much surprised at his talking on the corner?

A. Yes, sir.

Q. You began to comprehend better what he meant by that sort of talk than his other talk up in the capitol?

A. Yes, sir.

Q. Did you tell Dakin that you were surprised—did you manifest any surprise?

A. No, sir.

Q. What did you do?

A. I proceeded to see how far this talk about money had gone.

Q. That is what you proceeded at there on the corner?

A. No, sir, that is what I proceeded to do, but not on the corner.

Q. That is what you proceeded to do when you went down to the saloon?

A. Yes, sir.

Q. Did you say anything to Mr. Dakin or any one else what you proposed to do?

A. No, sir.

Q. Didn't you on that occasion leave Mr. Dakin in the street and go back to the Lansing House?

A. No, sir.

Q. Did you leave them anywhere on the street and go away and return afterwards?

A. No, sir.

Q. But you went directly down to the saloon?

A. Yes, sir.

Q. And there proceeded to ascertain the fact of the business, what that meant?

A. Yes, sir.

Q. There is where this conversation about money really first struck you as something wrong?

A. No, sir.

Q. Where were you first impressed with the idea that there was something wrong and illegitimate about the question of money?

A. When I had the conversation with Mr. Dakin, when I first met him.

Q. Here in the capitol?

A. Yes, sir.

Q. Then you were impressed with the idea that that there was something wrong?

A. I was impressed that there was something wrong.

Q. I understood you to say sometime ago when you testified that at that time you did not understand or did not believe that anything was wrong about it?

A. You misunderstood me.

Q. Possibly. Never mind, then, I will not trouble you. You really thought when you first met Mr. Dakin here in the capitol that there was something wrong, did you?

A. Not when I first met him.

Q. Did you after you had had that conversation with him?

A. As he left me I thought something was wrong.

Q. What did you think there was wrong about it?

A. I believe they were after some money.

Q. That who was after some money?

A. I thought Dakin and Fellows were after money.

Q. And who did you think was going to provide it for them?

A. At that time it did not occur to me.

Q. Did you think there was any impropriety in Mr. Fellows being after some money?

A. I did.

Q. What impropriety was there in Mr. Fellows trying to get some money? You would if you could, would you not?

A. Ordinarily there would be impropriety. Mr. Fellows, however, took me to one side as Mr. Dakin left and explained to me what he purposed to do with the money.

Q. What did Mr. Fellows tell you he purposed to do with the money?

Mr. Conductor Herrington—Was Mr. Dakin present?

A. No, sir.

Mr. Dodge—What did Mr. Fellows tell you he proposed to do with the money?

A. As Mr. Dakin left—

Q. That is not really responsive to my question. What did Mr. Fellows tell you he proposed to do with that money?

A. He told me that he proposed to see members. Grand Army members; that he had been at work with them yesterday; that he would go to one of them and talk with him and urge him to vote for our charter and tell him it would be a big feather in Mr. Dakin's cap if we could get that charter through, tell how interested he was in it and how great a favor it would be to him if they would support it, and that he had got to have some money to do that work with.

Q. Was he telling you what he would tell a member of the House, or was he telling this to you?

A. He was telling this to me, that he would spend money with them, and that he had spent about thirty dollars yesterday, last night, in that way.

Q. He told you that he had spent about thirty dollars in entertaining them? What, if anything wrong, did you think there was in that?

Mr. Conductor Herrington: I submit, Mr. Speaker, that this is incompetent. The question is whether Dakin is guilty of these charges. The opinion of this witness of a certain proceeding does not tend in any way to affect that.

Mr. Dodge: I trust my brother will not be technical about it. Let us ascertain all there is of it.

Mr. Conductor Herrington: We have let him go on with testimony which was entirely incompetent, just for the reason that we did not wish to be technical; but the members want to get through before the next legislature is elected, so that we can give place to them. I think it is time to call a halt.

The Speaker: The proper question would be as to what took place,

Mr. Dodge: I will amend my question in this way: What wrong did you think there was in what took place?

A. To what do you allude?

Q. What wrong did you think there was in what Mr. Fellows had said to you about the money that he was using, had used, or could use?

A. He made some allusions that led me to infer that he wanted this money to use directly with the members by giving the money to those members.

Q. He gave you to understand that, did he?

A. Yes, sir, by his talk.

Q. Just please state what language he used that gave you to understand that he wanted to corrupt directly the members of this Legislature.

A. He said that he was well acquainted with a good many Grand Army men, that he could get together with them in talking over old times, and they were most of them poor men like himself that had to work for a living, and that he would talk with them in this way, and this being a local bill they did

not care anything about it one way or the other, and he would shove them out five dollars or so and he would secure their influence. That is the talk he had with me standing right out there by the electric clock.

Q. Then he told you substantially this—am I correct—that he would pay some of them five dollars apiece?

A. Yes, sir.

Q. And buy their support and votes in that way?

A. Yes, sir.

Q. And wanted you to furnish the money for that purpose?

A. He spoke of that in connection with Mayor Shackelton's going after money.

A. Then you understood, did you, from him and from Dakin, that Mayor Shackelton had gone after money for that purpose? Is that correct?

A. Yes, sir. But allow me here to say in explanation, that I did not believe a word that Fellows told me about the work that he was doing.

Q. You did not?

A. No, sir.

Q. You did not think he would accomplish anything of the kind?

A. I did not believe that he was doing that kind of work with the members.

Q. If he stated it to you, why did you disbelieve him?

A. I could not believe him.

Q. Why did you think he was lying to you about it?

A. I thought he was doing it to get some money to put in his own pocket, and used that way to do it.

Q. You thought that would be the most reasonable story to believe.

A. Yes, sir. I could more easily believe that than believe that a stranger would come amongst a body like this and go to doing the work that he represented that he was doing. It struck me when he talked it to me as a thing too ridiculous to listen to.

Q. You believed, then, that instead of getting that money for the members as he represented to you, that he was getting it to put in his own pocket?

Mr. Conductor Diekema—I object to that question on the ground that it has been already answered.

Q. I will withdraw that. Mr. Fellows and you have had some little difficulty have you not?

A. Not a particle in the world.

Q. Are you on friendly terms?

Mr. Conductor Herrington—That is objected to. We are not trying Mr. Fellows.

The Speaker—The Chair is of the opinion that all this testimony relative to Mr. Fellows is entirely irrelevant.

Mr. Dodge—Perhaps some portion of it may be. I do not care to follow that up in that direction much further; but if the Chair please and if the gentlemen of the House please, it seems to me it is very important to know if Mr. Fellows, one of the witnesses subpoenaed here on the part of the State, is the kind of a character that the main witnesses for the prosecution represents him to be. It seems to me, as a matter of good horse sense, that the members of the Legislature ought to know all about it, as to just the kind of a man he is, and I certainly think we should have the opinion of this witness with reference to his character. That is the only purpose of it.

Mr. Conductor Diekema—The opinion of this witness makes no difference.

When Mr. Fellows is called he can fully examine him as to his history.

The Speaker—The Chair is of the opinion that all this testimony relative to what took place between the witness and Mr. Fellows in the absence of Mr. Dakin is entirely irrelevant at this stage of the proceedings.

Mr. Dodge—Very well, I will not press it.

The Speaker—The Chair holds in his hand a question which he will read: Was there anyone else present at this conversation between yourself and Mr. Fellows?

A. There was not.

By Mr. Dodge:

Q. At the time you got down to the saloon, you had made up your mind that there was something very wrong in this asking for money, and you had come to that conclusion from the talk that you had had with Mr. Dakin and with Mr. Fellows? Am I correct about that?

A. Yes, sir.

Q. And so you went into the saloon for what purpose?

Mr. Conductor Snow—That is objected to. It has all been gone over and the witness has answered that question.

Mr. Dodge—I will not ask him that. He said he went in to get something, and he told what it was, but I did not ask him for what particular purpose he went.

The Speaker—The witness will state if he knows the purpose.

A. When this matter of Shackleton's going home for some money was alluded to again on the street, I was very much impressed—

Q. Impressed with what?

A. That there was something radically wrong going on here, and it frightened me—if that is the proper term.

Q. You know whether it is or not.

A. I will say that it startled me, because I did not know how far nor how common this talk might have been, and I was apprehensive, if there was talk being had about money to influence the Saginaw legislation, and with that kind of freedom, that I might find myself, perhaps, involved in the inquiry, and it occurred to me that the first thing to do was, if I could, to see how far this had gone, and who was involved in it.

Q. Then I understand you that your apprehension was based upon some possibility that you might be drawn personally into it yourself?

A. Yes, sir, for I had already found myself involved in the conversation about it.

Q. And you thought, then, you would go with these men into the place and see whether or not you were involved in it?

A. I thought I would go somewhere where I could pursue this inquiry a little, and see, if I could, how far it had gone.

Q. How far did you think it had gone at that time?

A. I did not stop to think. I did not have time to think.

Q. I understood you to say you thought things looked cloudy for yourself, possibly?

A. It did. When I found myself involved in a conversation about getting money to use to get a bill through this House.

Q. Did you find yourself involved in that predicament?

A. I found myself involved in a conversation about it here in the lower corridor.

Q. When?

A. In my first conversation with Mr. Dakin.

Q. Now, as is suggested by counsel, you felt yourself alarmed and startled here in the capitol over the conversation that had taken place with reference to money?

A. No, not until it was alluded to a second time.

Q. Where?

A. At the corner of Michigan and Washington avenues.

Q. The other matter made no impression on you—what you heard in the House?

A. It did make an impression on me.

Q. But you did not feel that you might yourself be involved until you came down to the time of the second conversation. Is that correct?

A. It did not appear to me in that way—in fact the conversation that took place in the corridor of this House—

A. I want you to answer my question and not tell something else.

Mr. Conductor Goodrich—The gentleman has asked the witness a fair question, then as soon as the answer begins he interrupts him when he seems to be answering the question correctly and properly. He should be allowed to answer the question.

Mr. Dodge—My brother has had experience enough to know that it is not a proper method of objecting to a question. We are undertaking, as near as may be, to proceed under court rules, and I do not propose that this witness shall answer any question that I do not ask him. I hope that my brother will not insist on his point.

Mr. Conductor Goodrich—I propose, Mr. Speaker, to see justice done, and I think if my brother understood the answer that was being given he would find that it was in harmony with the question which was asked. My brother is so anxious to get out an answer that will be in his own favor that he hardly understands his own questions.

Mr. Dedge—There is a proper way to object to my questions and I trust my learned friend will make his objections in a proper way, and that he will not make a speech for the benefit of the House and the witness. I know that he understands proceedings of this kind sufficiently to make a proper objection, without interrupting me.

Mr. Conductor Goodrich—I beg the gentleman's pardon from him, but I did not interrupt him.

The Chair—The gentleman will answer the question.

Mr. Dodge—Will the stenographer read the last question and answer?

The official stenographer read as follows:

“Q. But you did not feel that you might yourself be involved until you came down to the time of the second conversation? Is that correct?”

“A. It did not appear to me in that way, in fact, the conversation that took place in the corridor of this House——”

Mr. Dodge—I submit that the witness was keeping away from the question entirely.

The Speaker—The examination will proceed.

Mr. Dodge—If the chair will pardon me, I desire my brother and the House to understand that I do not wish to appear captious, but I want to get at the facts and to do it as best I know how.

Q. Will you please answer this question: When did that idea occur to you that there was something wrong in your conversation down there on the corner of Michigan and Washington avenues?

A. As soon as Mr. Dakin, in reply to my inquiry, alluded to the subject of money.

Q. Then you had made up your mind for the first time that there was something to be astounded at and frightened about. Is that correct? You said a moment ago that you were startled.

A. That reply did startle me.

Q. Then you followed this matter up, if I understood your evidence upon direct examination, and you followed him right into the saloon, or did you invite him in?

A. I did not invite him. I cannot say which proposed stepping inside.

Q. But at this time you were very much startled, and yet you say you went into the saloon?

A. Yes, sir.

Q. After you got into the saloon how did you expect to allay your fright or do away with your feeling of anxiety in this matter, by pursuing the course which you state on your direct examination you did pursue in the saloon stall on that occasion?

A. I thought by having further conversation with these gentlemen I could ascertain how far this scheme to get some money had gone and what the purpose was.

Q. Did you not think when you were in company with these men on this occasion that you were in pretty bad company, if there was any doubt as to their methods? And did you not feel yourself somewhat more alarmed when you discovered what you communicated to the Legislature and testified to here this morning?

A. You mean after our interview had terminated?

Q. After you commenced your interview there?

A. I became more and more impressed at every step in that interview.

Q. How were you impressed?

A. I was impressed that there was something radically wrong.

Q. And for that reason did you induce Mr. Dakin to check off the several parties that appear upon this list which has been exhibited here this morning?

A. No, sir.

Q. Had you up to this time informed Mr. Dakin and Mr. Fellows that you were surprised?

A. No, sir.

Q. Did you make any objection to their statements?

A. No, sir.

Q. Or to their methods?

A. No, sir.

Q. How did you come to advise Mr. Dakin to check off certain individual members of the House? How did you come to advise him to do that?

A. You mean in what manner?

Q. I do not ask you in what manner. I ask you how you came to do that, how you satisfied your head and your conscience if you were laboring under so much anxiety?

A. I was pursuing this inquiry to find the extent of what his purpose was in regard to money.

Q. What the extent of his purpose was?

A. Yes, sir.

Q. Was it for that reason that you desired him to give his opinion as to the members that he thought might be corrupted by the use of money?

A. Not wholly.

Q. Was it partially?

A. It was partially that and partially this: Up to that time he had represented that there were a good many members that he wanted to see. At first, from his conversation, it did not occur to me to doubt but that he might have talked with some, perhaps, on this same subject. As he went on to repeat that there was a considerable number that might be seen in this way, I doubted his statement of having talked with anybody, and it occurred to me that that was a scheme of his to see if he could not get some money for his own use.

Q. For Dakin's own use?

A. Yes, sir, or Dakin's and Fellows'.

Q. Now, if you thought these men were pursuing that sort of a course to get money for themselves, why did you need to feel startled? Why were you so frightened?

A. Because I regarded the use of money in connection with official action as being one of the gravest offenses that could be committed in any shape.

Q. But you have just stated that you did not regard that this money was to be used with any one else, but that it was to be used by the respondent and Fellows for themselves?

A. I regarded that as equally wrong.

Q. And therefore you felt started and alarmed for fear of yourself? And now will you state what fear you had of yourself?

A. It was more that it—

Q. Now just state that, please.

A. It was more that it occurred to me that something might be going on that might compromise the good name of Saginaw in connection with this Legislature.

Q. Do you think, let me ask, that the good name of Saginaw or of the members of the Legislature of the State of Michigan would have been compromised had you not asked Mr. Dakin to take his pencil and check off their names?

A. I do.

Q. And then reported it to the House of Representatives?

A. I do.

Q. How is it that you think the Legislature and the Saginaw Valley would have been compromised had you not done this?

A. I would like to have the question read.

Q. The official stenographer read as follows: "Do you think, let me ask, that the good name of Saginaw or of the members of the Legislature of the State of Michigan would have been compromised had you not asked Mr. Dakin to take his pencil and check off their names, and then reported it to the House of Representatives?"

A. I never did that.

Q. Never did what?

A. Never reported it to the House.

Q. You reported it to the Speaker?

A. Yes, sir.

Q. In a letter addressed to the Speaker?

A. Yes, sir.

Q. Did you not expect it would be reported to the House?

A. I will explain to you—

Q. You may explain on your re-direct.

A. Mr. Diekema—The witness will be privileged to answer the question fully. No one can understand it unless he does.

The Speaker—Let the witness answer.

Mr. Dodge—Let the question be repeated.

The question was repeated by the official stenographer as follows:

“Did you not expect it to be reported to the House?”

Q. Answer that yes or no. That is susceptible of that kind of an answer.

A. I can not answer it yes or no.

Q. Then let it go.

A. I desire to answer it though.

Q. You may when I get ready to ask you again, or if I do not you can answer it on the redirect examination. You directed his making these marks opposite these several names, did you not, and he made those marks there at your solicitation?

A. The question is ambiguous.

Q. I will ask you part of it: did you direct his making those marks there? Answer it yes or no.

A. No, sir.

Q. Who did?

A. No one.

Q. How did he come to make them?

A. I requested him—

Q. Just answer the question. How did he come to make them?

Mr. Diekema—I insist that the gentleman shall not interrupt or badger the witness.

The Speaker—Let the witness answer the question.

Q. How did he come to make them?

A. I requested him to check off on that list the names of those that he wanted to see in the manner that he had suggested.

Q. Then he made those checks there at your solicitation?

A. At my request.

Q. Did he offer to do anything of that kind until you had requested him to do it?

A. No, sir.

Q. Did he not hesitate when you asked him to do it, and did you not rather insist upon his doing it?

A. No, sir.

Q. What did you say to him?

A. I asked him to check off the names of those he desired to see.

Q. What did you do that for?

A. Because as he read them over and stated the names I undertook to count them, and when he had got down about six or seven names there was a running conversation going on, and I lost the count. Then I suggested, “Just take a pencil and check them off.”

Q. What did you ask him to check off those names for?

A. So I could see how many names there were on that list that he was pretending that he wanted to see and use money with.

Q. Was that your only purpose?

A. Yes, sir.

Q. Did you not state in your letter to the Speaker of this House that you communicated with him because of the reason that you wanted to ascertain whether methods of this kind could be resorted to in the Legislature or not?

A. No, sir.

Q. Did you not say in that letter, “I make this communication to you be-

cause I believe that the suggestion that we ought to furnish money for the purpose of influencing this body to grant us a charter, which we believe is just and proper in all respects, is wholly uncalled for and ought not to be encouraged, and for the purpose of asking you, as the presiding officer of this body, what course ought to be pursued in the matter?"

A. I did. That is a part of my communication.

Q. Then I will ask you again what your real purpose was in having Mr. Dakin check off those names?

A. To see how many there were that he was pretending he wanted to see.

Q. Was not your real purpose at that time in getting him to check off those names, that you might report it to the Legislature?

A. No, sir.

Q. Or to the Speaker of the House?

A. No, sir.

Q. When did you come to that conclusion?

A. While we were waiting for supper at the Hudson House.

Q. How long after this?

A. Probably six hours.

Q. What time did you meet there—about eleven?

A. Yes, sir.

Q. This was about five o'clock?

A. Between five and six.

Q. And you came to the conclusion then that you would report that matter to the Speaker?

A. Not at that time.

Q. When did you come to that conclusion?

A. After supper.

Q. Then it was about seven hours afterward?

A. Yes, sir.

Q. Had you been talking with Mr. Little, or anyone in regard to the matter?

A. I had.

Q. And the conversation you had with them took place where?

A. In the Hudson House.

Q. At what time?

A. With Mr. Little just before we went into tea.

Q. What did you have to say to Mr. Little about it?

Mr. Diekema—That question is objected to.

Mr. Dodge—I will withdraw the question.

Q. You talked it over with Mr. Little that you would address a letter to the Speaker of the House.

A. No, sir.

Q. I understood you to say you did.

A. No, sir.

Q. When did you first come to the conclusion that you would address a letter to the Speaker of the House?

A. The next morning.

Q. What date was that?

A. The 20th.

Q. You came to the conclusion next morning that you would address the Speaker on this subject, did you? That is what you said. Is that correct?

A. I was requested—

Q. Lawyer Eaton, that is not proper. You know the question. I ask you when you came to the conclusion that you would address the Speaker of the House upon that subject?

A. I came to the conclusion that I would see the Speaker about it.

Q. When did you come to the conclusion that you would write him that letter?

A. About 10 o'clock the next morning.

Q. On the morning of the 20th?

A. Yes, sir.

Q. You came to Lansing on the 19th?

A. Yes, sir.

Q. Don't you know if you came to Lansing on the 19th and you would address the Speaker a letter on the 20th it would not be in the journal until the 21st?

A. I did not know anything about the date, but my recollection is that it was on the 20th. My recollection is that I wrote the letter on the 20th.

Q. On the next day?

A. Yes, sir.

Q. And then how long did you remain in Lansing on this occasion?

A. I think I went home the evening of the 20th. That is my recollection. It may have been the 21st.

Q. Let me ask you the question again, because I am in doubt about it myself. With whom did you talk about writing this letter to the Speaker of the House?

A. With the Speaker.

Q. Before it was written?

A. Yes, sir.

Q. With whom else?

A. Will you allow me to state the circumstances of my communicating it to the Speaker in full?

Q. No. Who else was it?

A. I don't know that I spoke to any one else about putting that matter in writing, except the Speaker and the Clerk of the House when I submitted it, and he suggested that it be a sworn statement and added an affidavit to it.

Q. At the time you had this conversation there, you made up your mind that you would follow this up, and that you would have these marks made and that you would have the sums of money set opposite their several names, for the purpose of doing what?

A. At what time do you allude to?

Q. The time you were in this stall at the saloon.

Mr. Conductor Diekema—That is objected to as having been answered three times.

The Speaker—I think that question has been answered before.

Mr. Dodge—Not in regard to the sums of money. He was not asked about placing figures opposite their names.

Mr. Conductor Diekema—That is directly answered.

Mr. Dodge—I do not remember it. I submit it has not been answered and will leave it to the Speaker that the question as to why he put these figures opposite their names was not undertaken to be answered by the witness nor asked before.

The Speaker—Ask the question.

A. There are several transactions involved in that question, and I cannot

answer them all in one answer. I will answer this: At the time that I requested Mr. Dakin to check those names off I had no other purpose whatever in my mind except to ascertain the number of persons that he proposed to see.

Q. "I then requested him to place opposite each name that he had checked the amount he thought would be necessary to use with each member."

A. I did.

Q. What do you mean by that; use for what purpose?

A. Use for the purpose that he had described.

Q. I am asking you what your opinion was about that. Please answer for what purpose you intended the sum of money should be placed opposite the name, for what purpose; the figures?

A. I did not intend that the money should be used at all.

Q. What did you ask him to put the figures there for?

A. To ascertain what his idea was about the amount of money he wanted to get.

Q. What interest had you in that, what was that to you?

A. I was trying to ascertain how far this matter had gone, and what his intentions were about getting some money.

Q. What earthly concern was that to you?

A. I was interested in seeing that nothing improper was done in regard to the legislation about the Saginaw charter.

Q. That is the reason that you asked him to put those figures opposite the names of those honorable members?

A. I wanted to see how much money——

Q. Answer the question.

A. My only purpose at that time was to see how much money he was after.

Q. Why did you want to know about the money he was after? Why did you not ask him in so many words?

A. I stated that he said he could not tell.

Q. You expected to induce him to make these figures and you would tell in that way. How did you expect to tell in that way?

A. By adding the several sums together.

Q. Why did you take a list from the House roll-call and use it for that particular purpose?

A. Because he hesitated so in giving me the names of the parties that he wished to see. He did not mention more than two or three, and was hesitating.

Q. You pressed him, did you not?

A. I did.

A. Why did you press him?

A. He had represented that there were some thirty-four Grand Army men here, most of them he wanted to see. There were some democrats that did not belong to the Grand Army, and his representation was that there was a large number that he was going to work with when he got this money. I wanted to know who those men were.

Q. What did you want to know that for?

A. I wanted to make up my mind whether he had been talking with any of the members.

Q. What did you want to make up your mind to that for?

A. I wanted to see whether he was not putting up a job to get some money himself.

Q. What did you want to see that for?

A. Because I wanted to stop it.

Q. Why in the world didn't you tell him to stop instead of asking him to put these figures opposite the members' names?

A. I had not got hold of enough to find out whether there was anything to stop.

Q. And yet you thought you had been very much startled from the surrounding circumstances from what you had heard?

A. I was startled.

Q. You thought there was not anything you had thus far heard that ought to be stopped until you had got a large number of members of the Legislature; is that true?

A. I thought from the beginning there was something to be stopped.

Q. Why did you not say to him that it ought to be stopped?

A. I thought it was important for me in the first place to see how far this had gone and who was involved in it.

Q. Did you not know that it would be a reflection upon the members of the Legislature whose names he checked, if that was made public?

A. Yes, sir.

Q. You had him do something that you knew would be a reflection upon the individual members of this House?

A. But he was repeating those names verbally.

Q. Why did you not take them down?

A. I had nothing in my hand at the time.

Q. How did you happen to have that roll call with you?

A. I had it for more than a month.

Q. You said a moment ago and you said on your direct examination that there were only two names mentioned by Mr. Dakin and that you were pressing him to get other names?

A. Yes, sir.

Q. Now you say he was naming those names over?

A. Yes, sir.

Q. How do you explain those two statements, if he was only naming two and you were pressing him for others, how was it that he was naming over this entire list?

A. I do not say he was naming these individuals he marked, but he was professing to give to me the names of the members of this House with whom he could use money.

Q. Did he tell you so?

A. Yes, sir.

Q. In the presence of these gentlemen?

A. Yes, sir.

Q. And then you said "check them off?"

A. Yes, sir. That was before I took out the roll call.

Q. And he was giving these from his off-hand statement?

A. Yes, sir.

Q. How many names did he give you?

A. I don't think he mentioned more than two or three.

Q. You said he mentioned two?

A. He mentioned two, there might have been three.

Q. If you had not taken out that roll call he would not have included the other members?

A. Possibly not.

Q. Who was responsible for the reflection, if there was any, cast upon those members, you or Mr. Dakin? You were urging and pressing him to do this. Who was responsible?

A. It is a matter of opinion.

Q. What is your opinion about it?

A. My opinion is that if Mr. Dakin had not started the talk about money no one would have been involved in it.

Q. Do you think if it had not been for you any one would have been involved in it?

A. Yes, sir.

Q. How?

A. I think this talk was going on, not publicly, but privately.

Q. How do you know it was?

A. From the very free manner in which this was spoken of, without any attempt to secrecy, or concealment, or privacy.

Q. You thought you would come down here and put a stop to it?

A. No.

Q. What did you think about it?

A. I knew nothing about it until I arrived here. That was the first time I suspected there was anything of the kind.

Q. You believed that the proper thing that was necessary for you to do in order to put a stop to this was to have Mr. Dakin take his pencil, check off several names, put the sums opposite their names and report the same to this House?

A. No; I have not so stated or intimated.

Q. I ask you if that was your purpose?

A. No.

Q. Why did you address the Speaker with these names attached, this House roll call?

A. I will explain that if you desire.

Q. I desire it.

A. If you desire me to state fully the circumstances of my making that communication.

Q. I do.

A. After this interview had terminated I went to the Hudson House and had dinner. After dinner I came up and met the committees on municipal corporations and labor interests. I found that instead of the meeting before that committee having been postponed, that nothing had been said about a postponement. The committee met at one o'clock, as had been agreed upon, and the matter of the Saginaw charter was called up. The clerk of the committee then stated that Mr. Linton had gone to Saginaw with Mayor Shackelton with an understanding which they thought would be satisfactory to the parties interested, and that probably it might result in withdrawing the opposition from the charter. The chairman of one of those committees said that there had been a great many postponements, and expressed himself quite strongly that this ought not to have been done to compel the Saginaw City gentlemen to again come down here to attend the hearing and not have that hearing take place. The chairman of both committees spoke quite earnestly about it. We finally said Mr. Shackelton will come back this evening undoubtedly and Mr. Linton, and it will be better for us to remain here until to-morrow morning and see what

the result of their deliberations has been than to have it postponed until a future time, and we consented that it be put over until the next morning.

The two committees said they would give us a hearing next morning at eight o'clock, and the matter was disposed of thus in a few minutes. We were not before the committee more than fifteen minutes I think. I then went out and went down upon the street and met Alderman Tillotson, one of the aldermen of Saginaw. He knew we were to have a hearing here that day. He had been down south, and on his way back he stopped off here at Lansing, knowing there would be some Saginaw gentlemen here. My recollection is that this was the first time I had seen him in two months. He enquired with reference to the situation in regard to the charter. He told me he had just seen Mr. Dakin and Mr. Fellows on the corner one block from there. He related to me a conversation that he had with them, that still further impressed upon me the importance that something ought to be done. He told me that he thought he had said enough to them, so that this conversation about money would stop. The conversation with him was dropped. I came back to the hotel and about supper time I said to Col. Little, while we were waiting—I asked him if it was right for us to go back to Saginaw without apprising some proper person of what had transpired with reference to this money talk. He hesitated quite a little about suggesting any course. He finally said, "Mr. Crossman boards here; he has had a great deal of experience and is a man of good judgment, you had better speak to him about it." So after tea I came out into the reading room. Mr. Crossman, to whom I had been introduced on a former occasion, was sitting there. I spoke to him and said I wished to have a few minutes' conversation with him privately, and we went apart, and without going into particulars minutely, but enough to state to him in substance that I wanted to communicate to the proper officer of this House a matter that pertained to the conduct of a member of this House, I asked him who the proper person was for me to see, whether it was the Speaker of this House or the Governor. He said if it was a matter that pertained to this House the Speaker of the House would be the proper person. He remarked that he had an appointment at the capitol that evening and was coming up here, and he thought the Speaker would be about the House and he would find him for me. We came up to the Speaker's room. That was the evening of the 19th, perhaps 7 o'clock. We went into the Speaker's room. He went somewhere and found the Speaker, brought him into the room. It is my recollection that while he was looking for the Speaker, or immediately after, one of the gentlemen whose name had been alluded to was met by him, and he either brought him into the room or he was in there when we went it, I won't say which.

Q. What time was that?

A. About 7 o'clock in the evening of the 19th. I said to the Speaker I had a matter I wanted to talk with him about privately, and he and I engaged in a private conversation about it. I briefly gave him the outlines of it. I said to him, "If this is a matter that you think ought to have some attention on your part I will leave it in your hands; but if you think I have been over-zealous in calling your attention to it excuse it in me and let it remain a private matter." He replied that it was certainly a matter of importance; just what course ought to be taken he was unable to suggest at that moment. After some little reflection he said: "There are, I believe, one or two other gentlemen whose names are involved; perhaps we had better consult them."

Q. Who are they?

A. I do not recollect their names. It strikes me that Mr. Diekema is one.

Q. Who else?

A. I would not say that there was another, but it strikes me that Mr. Herrington, but I may not be right about that. Mr. Diekema may have been the only one. I think that while we were talking about it Representative Bates, chairman of the committee on municipal corporations, came into the room. I think the Speaker invited him to remain. I think he took a seat. That is my recollection of the course of events. The Speaker then said to them that this was a private matter which I had related to him, which he thought he ought to lay before them, and he requested me to relate it to him in detail just as it had happened. All of the conversation was private. It was spoken of, I believe, by gentlemen who were there, that the matter should remain entirely private so as not to hurt anybody nor to create any interest at all until it could be considered over night, and they would have a consultation in the morning and determine whether anything should be done about it. We separated, each one with the understanding that the matter was to be a private matter.

Q. Who was it that was together with you and agreed that it should be a private matter?

A. I think the Speaker, and Mr. Crossman I think was present, and I am certain Mr. Diekema, and I believe Mr. Bates. The matter was talked over generally. I won't say they each one said so, but it was concurred in that it should be kept as a confidential matter until there had been a consultation and it had been thought of over night to see what would be done about it.

Q. You have brought it up to the time of this conference with the gentlemen that you have named?

A. Not quite. The next morning, about ten o'clock, or just before—

Q. What day would that be?

A. The 20th. I came into this hall, the Speaker of the House spoke to me and said they had had a conference with reference to this matter, and had requested that I should put it in writing, briefly stating the facts, and suggested that I might step into his room and do so. I stepped into his room and wrote the communication which I afterwards presented to him and put it into my pocket. When I came back from dinner I put it into an envelope, saw Mr. Crossman, the clerk, handed it to him, as I supposed he was the proper person to hand a communication to for the Speaker, as I did not see the Speaker, for both of them had been in this interview, and I think in fact the Speaker said: "Hand it to me or Mr. Crossman and he will hand it to me." Mr. Crossman glanced at it. I told him what it was, and says he: "Perhaps that had better be a sworn statement." I said: "Very well." We stepped either into the clerk's room or the Speaker's room and Mr. Crossman drew the affidavit which is attached to it, and I left it in his care.

Q. That covers the whole transaction from the time you commenced down in the saloon inquiring into the condition of things up here and what you may have done up to the time the letter was addressed to the Speaker?

A. Yes; so far as I remember. There were other things took place. In the meantime I had spoken to Mr. Little.

Q. Did you see Mr. Tillotson after you got this roll call into your pocket?

A. I did.

Q. Did he ask you to give that roll call back to him?

A. No, sir.

Q. Or to give it to him?

A. No, sir.

Q. Didn't he tell you that he wanted that roll call, or give you to understand that he wanted the paper that those marks had been made upon?

A. No, sir.

Q. Mr. Tillotson did not?

A. No, sir.

Q. What did you say, if anything, with reference to it?

A. Nothing whatever.

Q. At the time you were in the saloon you asked Mr. Dakin if it wouldn't get you into trouble as you stated in your communication?

A. I asked him if it wouldn't be likely to get us all into trouble.

Q. Whom do you mean by that?

A. All of us.

Q. Why did you ask him that question?

A. I said to him, "Is this a prudent thing to be talking about money in this way; won't it get all of us into trouble?"

Q. Why did you ask Mr. Dakin that question?

A. I wanted to see what he thought about it.

Q. Didn't you know what you thought about it?

A. Yes, sir.

Q. And you were asking him for the purpose of drawing him out upon that subject?

A. I wanted to see what the fact was.

Q. Did you tell him during that entire conversation that you thought there would be anything wrong in doing just what you asked him to do or just what he said he could do?

A. I did not suggest to him that it was wrong.

Q. You rather gave him to understand that what he was doing was all right?

A. No, sir.

Q. You did not tell him that it was not all right?

A. No, sir.

Q. But you did ask him to make those figures and those marks as you have testified?

A. Just as I have testified.

Q. You appeared in the Speaker's room when these gentlemen were there and interrogated Mr. Dakin?

A. No, sir. I appeared there and asked him one or two or three questions.

Q. Who asked you to do that? Did anyone ask you?

A. I cannot say that there did.

Q. You were following him up then on your own account?

A. I thought that he had—

Q. Please answer the question.

A. No, sir.

Q. Whose account were you following him up on?

A. I wanted to call his attention to a part of the conversation that he had omitted.

Q. What did you want to call his attention to that for? Who asked you to?

A. I was there by invitation.

Q. Who asked you to put those questions?

A. No person.

Q. You put those questions upon your own motion?

A. Yes, sir.

Q. Isn't it true that you have got a good deal of antipathy and enmity for Mr. Dakin, and have had for a long time?

A. No, sir.

Q. Isn't it true that you have made the statement to several different ones that would indicate that state of feeling?

A. No, sir.

Q. Was Mr. Tillotson, with whom you talked about the charter, the gentleman whom Milo H. Dakin defeated for a seat in this Legislature?

A. Yes, sir.

Q. You and Mr. Dakin were rather acting in concert during this entire time until this matter was made up there, were you not, with reference to what could be done with the members of the Legislature?

A. No, sir.

Q. You stated this morning in your direct examination that Mr. Dakin said that if he should go to a man and make him any promises and then he should not get the money he would go back on him. You discussed the matter from beginning to end in this conversation here in the capitol building?

A. No, sir; that took place in the restaurant.

Q. Did you not tell him in the presence of Mr. Fellows that you would see to it that the money was forthcoming to Mr. Fellows for the purpose of doing what was suggested?

A. No, sir.

Q. I would like to have you fix the place?

Mr. Conductor Herrington—I object to it as incompetent.

Mr. Conductor Goodrich—The gentleman certainly must know that he has got to lay the proper foundation before asking such a question as that.

The Speaker—The Chair understands the gentleman to say that Mr. Dakin was present.

Mr. Conductor Goodrich—It does not make any difference about that. If we are to proceed under the rules of evidence he has no right to ask such a question until he lays the proper foundation. If I understand it the courts will not hold that the witness is bound to answer the question until he lays the proper foundation, and he has not laid the proper foundation yet.

The Speaker—I think the question is proper, if it was during the time Mr. Dakin was present.

Q. Did Mr. Dakin ever ask you for any money?

A. When?

Q. Did he ever ask you for any money?

A. Except as I have testified to-day he never did.

Q. You know that that is not a proper answer. I cannot remember what you testified to as you can, and will you please answer me, yes or no, whether or not Mr. Dakin ever asked you for any money on earth?

A. No, sir, he never did.

Q. Directly or indirectly?

A. Directly or indirectly.

Q. Did Mr. Dakin or Mr. Fellows or either of them tell you that Mr. Shackleton had gone home to Saginaw City for the purpose of seeing Representative Linton to fix up the Saginaw City charter?

A. When and where?

Q. When you met them here on the 19th of April.

A. At what place?

Q. In the capitol building.

A. No, sir.

Q. Did they tell you so during that time at all?

A. At the conversation at the restaurant—

Q. I ask you, did they tell you so that day at all?

A. No, sir.

Q. Did they tell you anything in connection with any matter that he was going to fix up with Representative Linton regarding the charter, either that day or the day following?

A. Yes, sir.

Q. When did that occur?

A. During the 19th.

Q. Whereabouts?

A. It was talked at the restaurant.

Q. Who talked to you about that?

A. That matter was alluded to two or three times.

Q. By whom?

A. By Mr. Dakin.

Q. By Mr. Fellows also?

A. I don't remember whether Mr. Fellows spoke of that or not.

Q. Is it not true that Mr. Fellows is the only one on that occasion, the 19th or 20th day of April, who told you that Mr. Shackelton was going to bring money for his (Fellows) expenses, and that he came here as one of a committee named in Saginaw, of whom ex-Governor Jerome and some other gentlemen were members?

A. That was not said on that occasion.

Q. On either occasion?

A. No, sir; not in that language.

Q. Well, put it in language of your own choosing. State it in language as you understand it.

A. There was talk about money to pay expenses. I don't remember that there was any talk about his coming as a member of a committee, of whom Governor Jerome was one, or any conversation of that kind.

Q. Did not Mr. Fellows tell you, and did you not so understand that if there was any money sent down here, either by wire or otherwise, that it was to go to Mr. Fellows for his services, and for his time and attention given to the city charter?

A. No, sir.

Q. Who was present on the street when you had this conversation on the corner of Washington and Michigan avenues?

A. With whom?

Q. With Dakin.

A. Mr. Fellows and Mr. Crowley.

Q. Are you sure that Mr. Crowley was present upon that occasion?

A. Yes, sir.

Q. Did not Mr. Crowley come up afterwards?

A. No, sir.

Q. Was Mr. Smith there?

A. No, sir. I left Mr. Smith in the building here.

Q. Who was it, if anyone, that asked you to give up this roll call that has been exhibited here, after you left the restaurant?

A. No person whatever.

Q. There never has from that time to this?

A. No, sir.

Q. Have you talked with several members of the Legislature except the conversations you have related upon the stand, about Mr. Dakin in any particular or any capacity?

A. Yes, sir.

Q. With how many members of the Legislature have you talked?

A. I have talked with Senator Wisner and with Representative Snow; I don't remember that I have talked with others.

Q. Is it not true that you have expressed your opinion with regard to Mr. Snow on several occasions to members of the Legislature, including Mr. Wisner and Mr. Snow?

A. What opinion?

Q. Yours, of Mr. Dakin?

Mr. Goodrich—I object to this question. If it is for the purpose of impeachment I say that he must lay the foundation. I think the rule is plain and clear. If this question is asked for the purpose of impeachment he must lay the proper foundation before he is entitled to put the question.

The Speaker—The Chair is of the opinion that it is a proper question. He may answer if he can.

A. I do not recollect having expressed any opinion of Mr. Dakin to any member.

Q. Then you have not expressed any opinion regarding Mr. Dakin to any of the members of the Legislature?

A. I do not recall that I have.

Q. Don't you know that you have, on several occasions, at least two or more, taken pains to criticise and denounce Mr. Dakin?

Mr. Herrington—I object to that as repetition. It has been answered twice. When will we get through if this course is continued?

Mr. Dodge—It is not a question of when we get through.

Mr. Herrington—I object to it as having been answered twice already.

The Speaker—The Chair is of the opinion that it is a repetition of the former questions, and the answer would be nothing more than the answers to the former questions. The witness need not answer the question.

Q. Isn't it true that you have taken a very active part in the prosecution of this case, commencing from the time that you met Mr. Dakin here in the capitol, up until the present time? Answer that yes or no.

Mr. Herrington—I object to that as incompetent. He can ask the witness what he has done, let him state the facts, and then leave it for the house to judge whether he has taken an active part or not.

Mr. Dodge—That certainly is a fair question. What they suggest can be explained on re-direct examination.

The Speaker—The chair is of the opinion that it would be proper to ask the witness what he has done.

Mr. Dodge—Wouldn't it save time to put the question in the way I have already stated it? If he has not, that will end it right there and I will not undertake to go into the details.

The Speaker—It would be merely a matter of opinion with him anyway.

Mr. Dodge—But we could judge of the animus, and the statement of the witness is the best evidence of those facts.

The Speaker—Ask him what he has done?

Mr. Dodge—I will withdraw that question. Strike it out.

Mr. Herrington—We object to his striking anything out.

Q. What have you done with reference to the prosecution in this case from the day, as the chair decides—I believe the question was originally from the day that you met Mr. Dakin here on the 19th day of April—up until the present time?

Mr. Goodrich—I object to that. He has been all over this ground, and as to what the witness has done in this case from that time to the present time.

The Speaker—If there is anything that the witness has done that he has not stated he may state.

Mr. Dodge—I acted on the suggestion of the chair.

The Speaker—The chair did not intend nor did the counsel expect that he could go all over this matter again.

Q. Is there anything that you have done in this transaction to aid the prosecution that you have not already stated?

A. There is.

Q. Will you please state it?

A. When the Sergeant-at-arms came to Saginaw to subpoena witness he came to my office and subpoenaed me, and then inquired of me where he could find the other witnesses; showed me his list, and I told him they were all within a distance of three or four blocks of us and I would go and show them to him, as they were strangers to him mostly. I went with him and in the course of 15 minutes or half an hour we had found the witnesses and he subpoenaed them. Further than that I do not recall anything that I have done particularly to aid the prosecution.

Q. Are you acquainted with Gotlieb Stork of Saginaw?

A. Yes, sir.

Q. Are you acquainted with John Wines of East Saginaw?

A. I think I have seen him.

Q. And Henry Ready?

A. I don't recall the name.

Q. Did you say in the presence of either or both of these gentlemen that you would give five hundred dollars to have Mr. Dakin caught or trapped, or words to that effect?

Mr. Conductor Herrington—That is objected to.

A. No, sir.

Q. Mr. Conductor Goodrich—I object to the question on the same ground that I did before, that the foundation is not properly laid. Evidently this is for the purpose of impeachment. I would like to have the gentleman state if it is not for that purpose, for what purpose he does ask the question.

Mr. Holden—The question is not completed.

Mr. Conductor Herrington—I move to strike out the answer of the witness.

The Speaker—The answer will be stricken out for the present.

Mr. Dodge—I am unable to state the date, but it was on an occasion that you and Albert Trask were trying lawsuit in a justice court, in Saginaw City.

Mr. Conductor Goodrich—What was the date?

Mr. Dodge—I cannot give the date except to fix it at the time they were trying this lawsuit.

Mr. Conductor Snow—We object to it unless they give the time and place.

The Speaker—The date is very important.

Mr. Holden—May I be allowed to state that the information which you have is by message from another, and we are unable to fix the date nearer than that, but that is a circumstance which will enable the witness to fix it, and will hence be sufficient for his protection.

Q. I think Mr. Stork was a party to the suit or a witness in it at least. The time was sometime probably within a month. It is not very recent. That is as nearly as we can place it at present,

The Speaker—Was it before this transaction began?

Mr. Dodge—Yes, sir.

The Speaker—The chair holds it not to be proper.

Q. Did not Mr. Dakin on these several occasions when you have met him and had conversation, as has been related here in your testimony, on the 19th and 20th of April, say to you over and over again that there was not a member of the Legislature that could be approached with money or in any corrupt way, and that there could not be a dollar of money used corruptly here in the Legislature? Answer that if you please, yes or no.

A. No, sir, he did not.

Q. Did he ever say to you that money could not be used with any of the members of the Legislature for corrupt purposes?

A. I heard him make that statement.

Q. When?

A. When he was in the Speaker's room with the fifteen gentlemen whose names he had checked upon this roll.

Q. Did you ever hear him make substantially that statement before?

A. No, sir.

Q. Did he not say to you repeatedly on these several occasions, and especially in this restaurant, that the members of the Legislature were honest men in so far as he had any knowledge, and that they could not be approached with money, or words to that effect?

A. He made no such statement.

Q. Did he not say that money could not be used for any corrupt purposes?

A. He made no such statement.

Q. Did he not say to you in the presence of Mr. Fellows and of Mr. Crowley that he had a very high opinion of the men that he had checked off on that House roll-call, and that they were among the ablest and best members of the House?

A. No, sir.

Q. Did he not say to you in the presence of those gentlemen on various occasions that money could not be used in any way corruptly, and that if it could be used he would have nothing to do with it whatever?

A. He made no such statement.

Q. Nor nothing of that import or meaning?

A. Nothing of that import or meaning.

Q. His statements to you, then, if I understand you correctly, were on each and every occasion to the effect that money could be used for corrupt purposes?

A. That was his statement.

Q. And that statement he made several times before these parties, as I understand it?

A. He did.

Q. What if anything did Mr. Dakin have to say to you about money being used with members of the G. A. R. in the House?

A. When I asked him, while sitting in the restaurant, in what manner he proposed to make use of this money, he stated that he was well acquainted with a good many members of the G. A. R.

Q. This is Mr. Dakin you are talking about?

A. This is Mr. Dakin. He stated that he was well acquainted with a good many of the Grand Army members; that there were a good many of them in the House. I think the number that he stated was thirty-four.

Q. I beg your pardon. Did you once before state what Dakin had said with reference to the G. A. R. men?

A. Yes, sir.

Q. I had forgotten. I was thinking that was what Fellows had said to you. I will withdraw that question. I do not care to go over it again. I see on the House Journal that gives the specifications, dollar marks are placed opposite of each figure on that list. The list has not been introduced in evidence yet, and I have not seen it.

Mr. Conductor Diekema—The list has been introduced in evidence.

Mr. Dodge—Where is it?

The original list was produced.

Q. This is in just the shape that it was when you reported it to the House?

A. Except the marks on the back, "F. L. E., April 19, 1887." That is all the difference.

Q. This House roll-call you say you carried it in your pocket for over a month?

A. Yes, sir.

Q. In your vest pocket?

A. I carried it in my diary.

Q. How did the dollar marks come to be placed against the figures, do you know?

A. Where?

Q. I don't suppose you do know. I think that is all.

Mr. Diekema—That is all, Mr. Eaton.

A. There was one question asked, and I was interrupted in my answer. I would like to complete my answer.

Mr. Conductor Herrington—What was it?

A. I was asked about my appointment as city attorney, and whether there was not some disappointment about it with reference to the vote for it. I desire to complete what I was about to say, that I never solicited the appointment of city attorney, nor had any disappointment at not being confirmed for a second year.

Mr. Holden—You have stated that fully.

Mr. Herrington—That is explained sufficiently.

Counsel for Representative Dakin then presented his formal answer to the specific charges, which, by stipulation, at the opening of the case, were allowed to be made *nunc pro tunc*, as follows:

STATE OF MICHIGAN.

In the matter of articles exhibited on behalf of the special committee of the House of Representatives of the State of Michigan, appointed April 20th, 1887,

against Milo H. Dakin, member of the House of Representatives, from the First Representative District of Saginaw county, in relation to the charges preferred against him for misfeasance, malfeasance, or venal and corrupt conduct in office.

I.

The said Milo H. Dakin, Representative as aforesaid, for answer unto the said articles preferred against him—for answer unto article 1, answering, denies that he, the said Milo H. Dakin, member of the House of Representatives aforesaid, unmindful of the high duties of his office, of his oath of office or otherwise, did corruptly or otherwise, on the 19th day of April, 1887, or at any other time, or at all, receive from John H. Shackleton, mayor of Saginaw City, or from any other person, certain sums of money, or any money at all, for the purpose of corruptly using the same among the members of the House of Representatives of the Michigan Legislature in influencing votes for the passage of a bill to amend the charter of Saginaw City, or any other bill then pending before the committee, or any committee, of the House of Representatives.

II.

Answering the second article of specific charges this respondent denies that unmindful of the high duties of his office, of his oath of office, or otherwise, he did corruptly on the 19th day of April, 1877, or at any other time, solicit or endeavor to procure money from John H. Shackleton, mayor of Saginaw City, or from Frederic L. Eaton, of Saginaw, or from any other persons, for the purpose ostensibly or otherwise, of corruptly using such money among the members of the House of Representatives of the Michigan State Legislature to influence their votes, or otherwise, in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committee on labor interests and municipal corporations of said House of Representatives, denies that he did on the said 19th day of April, or at any other time, solicit or endeavor to procure money from said John H. Shackleton or from Frederic L. Eaton, or from any other persons or person, for the purpose of corruptly or unlawfully appropriating all or any part of such money or any money at all for his own personal use or benefit.

III.

Answering to the third article of specific charges, this respondent denies that he, the said Milo H. Dakin, representative as aforesaid, unmindful of the high duties of his office, or otherwise, did on the 19th day of April, 1887, or at any other time, make a list of names of certain or any members of the said House of Representatives, together with the amounts of money necessary to procure the vote or influence of each of said members named in said list in favor of the passage of a bill to amend the charter of Saginaw City, or any other bill, pending before the committees on labor interests and municipal corporations jointly, or otherwise. And denies that he made, as alleged in said articles of specific charges, any such list of names, with the figures and characters set opposite said names, as is set out in said third article of specific charges; and denies that he made any list of names, with any figures or characters opposite the same, for the purpose or with the intent or understanding set forth in said article third. And denies that he, the said Milo H. Dakin, did at any time represent to the said Frederic L. Eaton, or to any other person, that to secure the votes or influence of the members of the House of

Representatives aforesaid, whose names are set forth in said article third, or any other members of said House, it would be necessary to use with each of them the amount of money set opposite his name in said list or any money at all.

IV.

Answering the fourth article of specific charges, this respondent denies that he, the said Milo H. Dakin, member of the House of Representatives as aforesaid, unmindful of the high duties of his office, or otherwise, did corruptly on the 19th day of April, A. D. 1887, or at any other time solicit or endeavor to procure money from John H. Shackelton, mayor of Saginaw City, Frederic L. Eaton, or from any other person or persons, for the purpose of corruptly using such money so obtained among the members of the said House of Representatives, to influence their votes or efforts in favor of the passage of said bill to amend the charter of the said city of Saginaw, pending before said committees as aforesaid.

And this respondent, further answering, says that he never obtained or solicited any money at all, at any time, from any person for corrupt use with or among any of the members of the said House of Representatives; and that he denies each and every of the allegations made and contained in the said several articles of specific charges; and hereby prays the judgment of this, the honorable House of Representatives, upon the truth of this his answer; and that he may be acquitted of the said several specific charges.

Respectfully submitted.

MILO H. DAKIN,
Respondent.

L. C. HOLDEN,
FRANK L. DODGE,
PHILIP T. VANZILE,
Of Counsel for Respondent.

STATE OF MICHIGAN }
COUNTY OF INGHAM. } ss.

Milo H. Dakin, being by me duly sworn, says that he has read the foregoing answer by him subscribed, and that he knows the contents thereof; that the same is true, except the matters stated in said answer to be upon information and belief, and as to those matters, he believes the same to be true.

SEYMOUR FOSTER,
Notary Public for Ingham County, Michigan.

Representative Rumsey sworn.

Examined by Mr. Herrington.

Q. You are a member of the present House of Representatives?

A. I am.

Mr. Dodge—We object to that as the record is the best evidence.

Q. Were you present in the Speaker's room on the 20th day of April, 1887?

A. On the 20th.

Q. State who were present on that occasion.

A. Speaker Markey was present, Diekema, Bentley, Dunbar, O'Keefe, Burr, Manly, Baldwin, S. Baker, Mr. McCormick, Mr. Herrington and myself.

Q. Who was sent for soon after assembling in that room?

A. Mr. Dakin. Mr. Eaton was also present.

Q. Did Mr. Dakin come to the room?

A. He did.

Q. About what time of day?

A. I think it must have been nearly 4 o'clock—between three and four. It was soon after the House had resolved itself into the committee of the whole on the general order in the afternoon.

Q. State if Mr. Dakin made certain statements there in relation to his connection with the matter in controversy?

A. He did.

Q. Were those statements taken down in writing?

A. They were.

Q. And signed by Mr. Dakin?

A. By Mr. Dakin.

Q. What have you there?

A. These are the statements that were taken down.

Q. Look at the signature at the close of the statement. Whose signature is that?

A. I saw Mr. Dakin sign that.

Q. Milo H. Dakin, Representative in this Legislature from the county of Saginaw?

A. Yes, sir.

Q. State whether that was read over to him before he signed it.

A. It was.

CROSS EXAMINATION BY JUDGE VAN ZILE.

Q. At whose instance was this meeting convened?

A. I can't tell you. I was notified while I sat in my seat to go into the Speaker's room when the House resolved itself into the committee of the whole on the general order.

Q. Did you find all of the gentlemen you have mentioned in the room when you arrived there?

A. My impression is that they were all there.

Q. Dakin was not there, I think you said?

A. Mr. Dakin was not there.

Q. Did you discuss this matter before you were sent for?

A. I heard the communication read and the roll-call was shown me, with the figures, and the members among themselves counseled what to do, and it was decided that Mr. Dakin should be sent for and let him make a statement.

Q. Was there a good deal of excitement at that meeting?

A. No.

Q. Were the gentlemen who were present at all excited apparently?

A. Not very much. Some of them were indignant.

Q. Did they express their indignation?

A. If they did they did it very quietly.

Q. Did they express their indignation after Mr. Dakin came?

A. No, sir.

Q. Who first addressed Mr. Dakin?

A. I think the Speaker showed him the roll-call and asked him if he made those marks in figures on the roll call—if those were his figures. I think that was the first question asked.

Q. Was this gentleman Mr. Eaton, Mr. Eaton, present at that time?

A. Yes, sir.

Q. Did he ask any questions?

A. Not then.

Q. Did he at any time during the meeting?

A. He asked some questions after Mr. Herrington got through.

Q. Of whom?

A. Mr. Dakin.

Q. Was that after Mr. Dakin had made his statement or before?

A. That was after.

Q. Did Mr. Dakin answer the questions that he asked?

A. He did some of them, and some of them I think he refused to answer.

Q. Did Mr. Dakin, at that time, appear somewhat excited?

A. I think he was remarkably cool.

Q. Who wrote this statement?

A. Mr. Herrington.

Q. Was it written in long hand, and as it appears now at first?

A. Yes, sir.

Q. There was no stenographer there?

A. No, sir.

Q. Who asked the questions that purport to have been asked and written in the statement here?

A. I think most of the questions were asked by Mr. Herrington and he took them down in writing.

Q. Does this statement contain all the statements that were made at that meeting by Mr. Dakin?

A. All that I heard. I never saw that until to-day, since that time.

Q. Have you read this over?

A. Yes, sir.

Q. Can you now say that this contains all the statement made there by Mr. Dakin relative to this matter?

A. To the best of my knowledge and belief it does.

Q. Mr. Herrington must have been writing during all the time Dakin was there making his statement concerning the matter?

A. Yes, sir.

Q. Does it contain the questions and answers between him and Mr. Eaton?

A. Shall I state any question Mr. Eaton asked him?

Q. I had not looked it over. If you remember about that I wish you would state.

A. Mr. Eaton asked the question "What did you say in relation to the Grand Army men?"

Q. Does this statement contain all of the statements, questions and answers made between Eaton and Dakin?

A. All that I recollect.

Q. If we read this statement we will find everything that was answered on the part of Mr. Dakin, and every question that was asked him at that meeting?

A. I don't know. I guess you will. I think so.

Q. You think we will?

A. I think he refused to answer some questions that Mr. Eaton asked him.

Q. You think there was not any statement on the part of Mr. Dakin or any question asked on the part of any one of the gentlemen present on that occasion but we will find the answer here?

A. That I will not answer by yes or no, because I cannot. There may have been something asked and answered that was not taken.

Q. Is it not quite probable that there was a good deal of talk there that is not in this statement?

A. I don't think it is—not very much. There was but very little talking done except what was done by Dakin.

Q. Did Mr. Dakin understand that everything he said was to be taken down?

A. It was read over to him.

Q. I understand that, but did he understand that everything he was saying was being written down?

A. I don't know how he could have understood differently.

Q. Did he state it slow, so that it could be written word for word, or is this writing simply the substance of the conversation?

A. I think it is in his own language. I know in one particular when it was read over he wished to have a correction made.

Q. You understand that Mr. Herrington could not have written in long hand unless Mr. Dakin had stated slowly what was to be written?

A. I understand that.

Q. Did Mr. Dakin speak with the usual rapidity that one does in conversation?

A. He answered a question, and after that question was taken he was asked another.

Q. Was the question, first written and then asked him?

A. I don't know whether the question was written or not; I think it was; I think in some instances the question was written.

Q. As you look through this will you state whether or not there appears in that statement to exceed half a dozen questions, and I think likely three or four will cover it?

Mr. Conductor Herrington—I object to that; the paper itself will show how many questions.

Judge Van Zile—It certainly will, and I will give it to him for the sake of refreshing his memory.

Mr. Conductor Herrington—I object to that question as incompetent, because the writing itself is the best evidence of what it contains.

The Speaker—The Chair is of the opinion that the number of questions can be ascertained from the paper.

Judge Van Zile—I put it for the purpose of refreshing the witness's recollection.

The Speaker—The witness has not stated how many questions there were.

Judge Van Zile—But the witness has stated this is not stated in narrative form.

A. I see in most places there are answers to questions.

Q. After looking that over can you state whether or not those questions were written and then read over to him, or whether or not that was taken as the substance of the questions or the substance of the answers?

A. I think these were in answer to the written communication as made by Mr. Eaton largely.

Q. It may be true, but there were questions asked him orally, were there not?

A. There were some.

Q. And it is pretended that they are written down?

A. I do not know that it is pretended that they are written down.

Q. Is it or not, pretended?

Mr. Conductor Herrington—I object to that. The paper will show for itself.

The Speaker—The paper will show.

Judge Van Zile—Is it possible that the gentlemen will object to my finding out whether this was taken word for word as it would be by a stenographer or whether it is the substance?

The Speaker—He has already answered the question once or twice.

Judge Van Zile—I have not heard the answer.

A. It is taken as he answered.

Q. Word for word?

A. Yes, sir, as I understand, and as he understood it at that time.

Q. I will ask you again if Mr. Dakin on that occasion talked slow so that one could write each word that he said, or whether he talked with his usual rapidity?

A. He did not speak a word and then Mr. Herrington write that word, but he gave his evidence so that it would be taken in long hand as it is taken there.

RE-DIRECT EXAMINATION BY MR. HERRINGTON.

Q. State who first began questioning Mr. Dakin ?

A. Mr. Markey did.

Q. State whether any others than Mr. Markey and Mr. Herrington questioned him. To refresh your recollection state whether Mr. Dickema asked him questions.

A. I think Mr. Dickema did ask him some questions.

Q. To refresh your recollection further, state whether Mr. Manly suggested a question.

A. Yes, sir ; Mr. Manly asked him a question. I am not certain but what I did.

Q. State where Mr. Herrington sat when he wrote this.

A. He sat at the table in the Speaker's room, on the west side of the table.

Q. Where did Mr. Dakin stand with reference to Mr. Herrington ?

A. He sat at the end of the table.

Q. How many feet away ?

A. Three and a half or four.

Q. State if he could see what was being written.

A. I think he could if he had wished to.

Q. State whether after a question was asked the answer was taken down before another question was put.

A. It was.

Mr. Herrington—I now offer in evidence this statement.

The statement was read by the clerk as follows :

Mr. Markey shows Dakin slip and asks :

“Are those figures in your handwriting ?”

A. Those figures are mine. I wanted money to get together and have a social time with you fellows and talk over our bill. This occurred down here in a saloon in Lansing. Mr. Fellows, ex-alderman, Mr. David Crowley, Recorder of Saginaw, Mr. Eaton and myself were present. That is what I said. I considered you men were the leading men of the House. I never spoke to any of you men about the bill or about any money. My association with you gentlemen is such that I do not think you could be bought. I did it on purely business principles. The mayor gave me two dollars to buy some beer with. This was yesterday morning. The mayor handed Fellows \$5 as Fellows told me. I assure that it was done as

a business matter. I told Mr. Eaton that I did not want the money to bribe anybody. I wanted to get our charter through and I wanted some money. I put down the amount I expected I would need. I put down different amounts according as I thought you gentlemen had influence in the House. I did not say that when I found a man who would not take the money I would send him to Fellows. I thought I would need the money because there was a fight between Saginaw City and East Saginaw. I intended to use the money principally at one feast. I intended to have this feast down at the Eichle House. I did not tell Eaton that I intended to have a feast. I have not known of money being used here this winter in the way I proposed. The figures on that slip are in my handwriting. I expected that what I told Eaton would be confidential between him and myself. I think Mr. Eaton intimated that he would try to get the money. Mr. Fellows said he had used some of his money. Mr. Herrington never said one word to me alone since I met him. We have never talked together except in a crowd. I have never been out with any of you gentlemen present, to-wit: Speaker Markey, Diekema, Rumsey, Bentley, Dunbar, O'Keefe, Burr, Manly, Baldwin, S. Baker, McCormick and Herrington; and I never treated any of you gentlemen. I told Eaton that I wanted the money to get together with you boys, and that I wanted the money to buy cigars and buy something to drink. I don't know as any of you gentlemen drink liquor. I know of some who smoke. I have never seen any of you gentlemen drink but Mr. O'Keefe. I have drank with him. I have seen three of you men smoke, and no more. I considered this an honorable thing to do. I did not intend to let you know whose money was feasting you. I did not intend to speak of the bill in connection with the feast. I did not expect this feast would influence your votes at all. I did not have the intention of influencing your votes by this feast only casually. I expected the mayor of Saginaw would raise this money. I expected him to hand the money to me. I told Mr. Eaton that he, Eaton, if he had any money, could hand it to Fellows, and I would get the money of Fellows. I do not think it would be wrong to take this money, even though I did not expect to influence votes.

QUESTIONED BY MR. EATON.

Q. State what you said about Grand Army members.

A. I made no statement about them. I am too much of a man for that.

Q. Do you remember the remark Mr. Crowley made when you said it would take \$25 to buy Rumsey?

A. I made no such remark. Did not see you in the capitol yesterday morning. I had no talk with you at all.

Q. Did you not say that the mayor did not bring down any money and he had gone back to get some?

A. No; I told Shackelton, the mayor, and Fellows to come down here. I have not seen any money used here at all this winter. It was all in good faith on my part. I even went so far as to say that there was no bribery. Everything I did was done conscientiously. I am on friendly terms with Crowley and Fellows. They would make an honest statement. The mayor would make an honest statement. I simply intended to have at the feast the persons whose names I mentioned on that slip: S. Baker, 5; Baldwin, 5; Bentley, 5; Burr, 5; Crocker, 10; Diekema, 10; Dunbar, 5; Engleman, 5; Herrington, 10; Manly, 10; McCormick, 5; O'Keefe, 5; Perkins, 10; Rumsey, 25; T. H. Williams, 10. These figures are intended to represent dollars. I intended to use this number of dollars. I did not intend to have

any others. I put those amounts so that if I went out separately with you men I could keep track of the expenses. I expected to go out alone with no particular person. Mr. O'Keefe is the only one I ever spent any money with, and that was only in the way of a social drink. I never said anything to Mr. O'Keefe about this charter.

The above is a correct statement so far as I know.

MILO H. DAKIN."

Mr. O'Keefe—Mr. Speaker, I wish to inquire if that statement is to appear on the Journal?

The Speaker—The paper has been received in evidence and will appear at length upon the Journal.

Mr. O'Keefe—I desire to enter my protest against that statement being received and printed as a part of this case, as it is not, as I understand, a sworn statement. I desire, and I have offered, that Mr. Dakin and myself be sworn in regard to the statements contained in that paper.

Mr. Herrington—We will have Mr. O'Keefe sworn at once.

Richard O'Keefe, being duly sworn, testified as follows:

Examined by Mr. Herrington.

Q. You may make any statement that you desire in connection with this matter.

A. I understand from the statement made by Mr. Dakin that it is generally understood and probably pretty well understood throughout the State that I have taken a drink. He also says that he treated me, or drank with me. I haven't any recollection of ever having drank with Mr. Dakin, and the only time I was ever in his company was some three or four weeks ago. Coming from breakfast one morning, I met him on Michigan avenue and asked him if he would go in and have a cigar—this is my recollection—and we went in and I took a cigar myself. I don't know what Mr. Dakin took; my recollection of the matter is that I paid for it myself. I haven't any recollection ever of having been in any place of that kind with Mr. Dakin, or being in his company probably ten minutes when he was here two years ago and this session so far. I have always looked upon Mr. Dakin as being an honest man as I supposed. I never was thrown in contact with him and never had any conversation in particular with him. I make this statement wishing to appear right in this matter of the drink. I have found out to-day that there are some others here that drink, as well as I, but I don't like to go before the public so ridiculously as it appears to me I have been brought before them in this paper that has slipped out of the hands of the fifteen that were marked on this list. When we were together there, after Mr. Dakin made his statement, I asked some of the persons present if this was to go to the papers, that if it was to go to the papers, I preferred having it in a different shape. My intentions at that time were that if it was going to the papers, that Mr. Dakin and I should both be sworn upon that particular point, and I was promised by some of them that it should not go to the papers. Yet the next morning I found my name in very bold letters at the bottom of a statement.

CROSS-EXAMINED BY MR. HOLDEN.

Q. Do you understand from this that Mr. Dakin alleges that you have taken anything intoxicating, when you speak of drink?

A. Yes, that is the way I generally understand it.

Q. And you understand it in this sense, do you, and that he intended it in that sense?

A. Yes, sir.

Q. You understand that he charges in this matter that it was while this charter was pending, or in consequence of that in any way?

A. The inference might have been drawn that that was the case, I think.

Q. His statement as given in the committee room before a number of you gentlemen and the honorable Speaker, is not complete, is it? It is somewhat broken and disconnected?

A. I don't know as to that. The questions were asked and the answers taken, and I don't know how fully they were taken. I think they were taken down as well as could be done in that way.

Q. You do have a recollection of going in and asking Mr. Dakin to take something, do you?

A. I think I do.

Q. And you say you are unable to state now from your recollection whether he drank or what he drank?

A. I don't remember.

Q. He may have drank at that time?

A. He may.

Q. Now, inasmuch as you asked for the special privilege of explaining, I desire, upon the part of Mr. Dakin, to say to you in the presence of the House and to go upon the record that Mr. Dakin never intended by the statement to lead any inference whatever that this had anything to do whatever with the charter bill or any other bill pending, but was merely in the way of a social gathering?

A. Well, he made that statement there as it appears.

Q. And that he does not intend to charge you with being a person who drinks intoxicants to excess by any means. You have served with him two years ago also in this House?

A. Yes, sir,

Q. Did not he then until this charge was brought against him bear the reputation of being a scrupulously honest man?

Mr. Herrington—Do we understand that they now make the witness their own?

Mr. Holden—I am questioning him in regard to his statement.

Q. Is not that true?

A. I never heard anything of Mr. Dakin but that he was supposed to be an honest man.

Q. He was so regarded by other members?

A. I understood it so.

Q. Mr. Dakin was not regarded as a drinking man either, was he?

A. I never understood that he was.

Q. You never saw him intoxicated?

A. No, sir; I wish to say further that this time I refer to as going in and taking a cigar and asking Mr. Dakin to go in, was as far back as the first of this month, probably, and that there was not any of that two dollars that he speaks of for my expenses.

Mr. Chapman offered the following:

Resolved, That this House suspend Rule 1 and take a recess until 7:30 this evening.

On motion of Mr. Jones,
The resolution was laid upon the table.
On motion of Mr. Haskins,
The House adjourned.

Lansing, Wednesday, April 27, 1887.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Roberts.

Roll called: quorum present.

The House resumed the investigation of the charges against Representative Dakin.

The Speaker—The Chair this morning deems it proper to call the attention of the members and those present to the importance of not allowing themselves to make any demonstration here of their feelings during the trial of this case.

The members of the committee will now proceed with the investigation.

Mr. Conductor Herrington—I am informed by the stenographers that there is an error in the printed Journal of yesterday's proceedings at page 1018, in the second question put to Mr. Rumsey. It reads "Were you present in the Speaker's room on the 19th day of April, 1887?" It should read "Were you present in the Speaker's room on the 20th day of April, 1887," and the answer should read "On the 20th." The mistake was made at the printing office.

TESTIMONY OF JAY SMITH.

Jay Smith, being duly sworn, testified as follows:

EXAMINED BY MR. SNOW.

Q. Where do you reside?

A. City of Saginaw.

Q. What is your age and occupation?

A. My age is 64, and my occupation is druggist.

Q. How long have you resided in the city of Saginaw?

A. Thirty-five years.

Q. Where were you on the nineteenth of this present month shortly after 10 o'clock in the morning?

A. I was for a short time here in the capitol building. I came here with Mr. Eaton.

Q. Did you arrive here at Lansing on the morning train from Saginaw?

A. Yes, I did.

Q. About what time did you reach Lansing?

A. I have no means of knowing except by the arrival of the train. We came in on the train coming from Saginaw in the morning.

Q. Shortly after your arrival in this city where did you go?

A. We came from the train up town and I stopped for a moment in Mr. Wells's drug store.

Q. From there where did you go?

A. I went directly to the capitol.

Q. Did you meet anyone with whom you were acquainted when you reached the capitol, and if so, who was it?

A. I found Mr. Eaton on the steps of the capitol. We came up into the corridor and there we met Mr. Dakin and Mr. Fellows.

Q. Did you have any conversation with Mr. Dakin or the parties you met there?

A. I think as far as I am concerned I had no conversation except to accost them as we came in.

Q. Did you hear any conversation between the parties there assembled?

A. I did.

Q. Who was present ?

A. Mr. Eaton, Mr. Fellows and Mr. Dakin.

Q. Mr. Eaton, yourself and Dakin?

A. Yes, sir.

Q. Any one else ?

A. No, sir.

Q. Was Fellows there?

A. Yes, sir, Mr. Fellows.

Q. Yourself, Dakin, Eaton and Fellows were present?

A. Yes, sir.

Q. Did you stop there and enter into a conversation there with them, yourself, or they among themselves?

A. I was there for a few moments.

Q. You may state now what if anything you heard said to any one present there relative to procuring money for certain purposes?

A. Following some conversation with Mr. Eaton in regard to the Saginaw charter bill he stated—

Q. Who stated—Mr. Dakin?

A. Mr. Dakin.

Q. Now narrate as fully as you can all that you heard said, and tell us who said it?

A. He told Mr. Eaton that nothing would be done on the charter business that day. I think in answer to an inquiry from Mr. Eaton he stated that Mr. Shackelton had gone back to Saginaw to procure some money.

Q. Did he say for what purposes?

A. I will come to it in a moment. He stated that he expected Mr. Shakelton would fetch some, money with him, but he only brought a little. He had given him some but it did not amount to anything, it was all gone. Mr. Eaton then asked him what he wanted to do with the money and he said he wanted to use it in getting the charter bill passed the House. Mr. Eaton asked him what the trouble was, whether there was any difficulty with the committee or whether he wanted to use the money with the members of the House. His answer was that he wanted to use it with the members of the House.

Q. Did he say that he wanted to use it with the members of the House for the purpose of getting the charter bill through the House? Was that the language that he used ?

Mr. Dodge.—I object to that method of interrogating the witness ; it is leading.

The Speaker.—Let the witness tell what took place, what was said.

A. Mr. Eaton asked him if he meant to be understood that there were legislators whose votes could be obtained by the use of money. His answer was, "Of course."

Q. What further was said, if anything?

A. I don't remember anything while I was there. I think I then left and came up into the hall and left Mr. Eaton with Mr. Fellows.

Q. Was there anything said at that time by Mr. Fellows?

A. I think Mr. Fellows had nearly nothing to say during the conversation. I know it struck me that he was quite discreet.

Mr. Conductor Snow—That is all with the witness.

Mr. Conductor Herrington—I should like now to have the stenographer read the testimony to the House. I don't think the members have heard any part of it.

The Speaker—Let the testimony be read.

The official stenographer read the testimony of the witness as given above.

Q. I call your attention to this fact. Do you recollect during that conversation of Dakin saying that Shackelton had given them some money, but that it did not amount to anything; that it was all gone?

The Speaker—He has already stated that.

A. Yes, sir.

Q. He did not state how much money Shackelton had given him, did he?

A. I don't recollect that he did.

CROSS-EXAMINATION BY MR. HOLDEN.

Q. Did he state in what particular manner the money would be expended?

A. No, sir.

TESTIMONY OF DAVID CROWLEY.

David Crowley being duly sworn, testified as follows:

EXAMINED BY MR. CONDUCTOR GOODRICH.

Q. Where do you reside?

A. Saginaw City.

Q. How long have you resided there?

A. Twenty-one years.

Q. What is your business?

A. Hotel, at present.

Q. I will ask you if at any time you have been interested in the passage of the amendment to the city charter of the city of Saginaw during the present session of the Legislature?

A. Yes, sir.

Q. Have you at any time been down here to the capitol on that business?

A. Yes, sir.

Q. When was it that you were here?

A. I think I was here four times in the interest of the charter. I cannot remember the dates, except the last time I was here before this time.

Q. Were you on or about the 19th of the present month?

A. I was here on the 19th of April.

Q. What time did you arrive in Lansing on the 19th of April?

A. About 10 o'clock in the forenoon.

Q. Who was in company with you at that time?

A. Mr. Jay Smith, Mr. Eaton and I think Mr. Snow and myself walked from the depot to the corner at the City National Bank and we parted there.

Q. Where did you go?

A. The first thing I did I went to the Savings Bank and telephoned to Mr. Barnes that I wanted to see him that day.

Q. Who was with you when you went to the Savings Bank?

A. There was nobody. I left Mr. Snow on the corner.

Q. What did you do?

A. After I telephoned I got word from Mr. Barnes that he would meet me between one and two, and I had nothing else to do, and I went down toward the Eichle House.

Q. Whom did you meet if anybody?

A. Not anybody that I knew. On my way back, at the corner at the City National Bank I met Fellows and Mr. Dakin. They were coming apparently from the Capitol.

Q. Did you have at that time any conversation with Mr. Fellows and Mr. Dakin?

A. Yes; we met and shook hands. Some words passed I think, and I asked him how things looked for the charter?

Q. You were acquainted with Mr. Fellows and Mr. Dakin, were you?

A. Oh, yes.

Q. How long had you been acquainted with them?

A. I guess I have known Mr. Dakin four or five years and Mr. Fellows ten or twelve.

Q. Where did they reside?

A. In Saginaw City.

Q. Go on and state what that conversation was that you had with them at that meeting?

A. I think Mr. Dakin replied to my answer about the charter, he said things looked good, but there would be nothing done to-day, as Shackleton and Linton had gone to Saginaw.

Q. Did either of them say what they had gone to Saginaw for?

A. Yes, I think Mr. Fellows took a document out of his pocket with some writing on it and said that Linton and Shackleton had gone to Saginaw to make some arrangements in regard to Florence, that Linton had promised Shackleton that if he would agree to some matters in the interest of Florence, in regard to some improvements that ought to be made upon it provided it came into the City of Saginaw and pay for some improvements already made for Carleton, that he would not interfere with our charter, providing Mr. Dakin would assist him in this charter.

Q. What was said in relation to the Mayor's going there?

A. Then I think Mr. Dakin said "We ought to have some money to-day." I says "What to do?" He says, "Well, to work while Linton is away."

Q. To work at what?

A. I don't know as it was said any more than the supposition was in the interest of the charter.

Mr. Dodge—Never mind what the supposition was.

A. Well, he said they ought to have some money to work to-day while Linton was away. Shakelton came here yesterday and only had \$10.

Q. Who said this?

A. Mr. Dakin, I think.

Q. What did he say Mr. Shackleton had done with the \$10?

A. He did not say. He said "That was no good." He says, "Mr. Fellows spent \$30 yesterday and I spent five or six, all I had."

Q. He said that Mr. Dakin spent \$30 yesterday.

A. No, Mr. Fellows.

Q. Mr. Fellows spent \$30 yesterday and he spent five or six dollars, which was all he had.

A. Yes, sir.

Q. Then what did you say in response to that, if anything?

A. We moved a little ways from the corner where we were standing down towards the river and stopped again. I says, "Is it usual to use money in such a way? Can money be used in such a way as this in getting this matter through?"

Q. What did these gentlemen say in reply to that, if anything?

A. They said "Certainly, why yes."

Q. Who said that?

A. I think Mr. Dakin.

Q. What else was said?

A. Mr. Fellows said something about G. A. R. men. He said there were some members here in circumstances about like himself and that if he had some money he could make it pleasant for them.

Q. Did he say in what way he intended to make it pleasant for them?

A. In the way of sociability I should judge from what he said.

Q. Was there anything else said upon that occasion?

A. Mr. Eaton I think came in sight then, coming across the street. I noticed him, and I says "Here is Mr. Eaton, you can talk this matter with him fully; he has had more charge of the thing than I have, propably he can decide quicker for you."

Q. What was said then?

A. Mr. Eaton came up and I opened up the subject then. The conversation had been going on between me and Dakin and Fellows, and I kind of dropped out of it then. There was a good many people passing on the street, and I think Mr. Eaton said, "Can not we go and sit down some place?" I am not certain, but I think it was him that suggested that we should go and sit down some place. I says "Yes, let us go in here to Cottington & Davis."

Q. Where was that?

A. I think they called it the Windsor saloon and restaurant. So I led the way and went into a little room, I think it is off of their dining room, back of the bar room and we went in and sat down there. There was a couple of chairs in there and a table, and we got two chairs more and sat down by this table. Mr. Dakin and Mr. Eaton sat on one side of the table and me and Mr. Fellows on the other side. So the conversation ran between Eaton and Dakin.

Q. How many were there there at that time in all?

A. Four.

Q. Relate the conversation that was had between you all and between Mr. Eaton and Mr. Dakin.

A. Mr. Dakin and Mr. Eaton commenced talking in regard to the conversation on the streets, and I think somebody connected with the saloon came to the door and put his hands on the disc like that, "Anything wanted, gentlemen?" I says "Yes, let us have something." And he took the order for what we would have to drink and brought it in.

Q. What did you order, if you remember?

A. Yes, I think there were three of the party took whisky and one took sour wine.

Q. Who took sour wine?

A. Mr. Dakin.

Q. Go on and relate the conversation that was had there?

A. Mr. Eaton and Mr. Dakin commenced talking about this money matter again, and Mr. Dakin put on a kind of careless air——

Mr. Holden.—Never mind, just state what he said.

A. He put on a careless air and said, "If you don't want to give me the money you can give it to Mr. Fellows."

Q. What did Mr. Eaton say in reply to that?

A. I think he said then "What will you do with it?" He says "I can see a man and talk with him and then I can send him to Fellows." He says "All those fellows like a good time, they like a cigar and like a glass of wine or something, and it is pretty hard to go around among people without having a little money."

Q. Did Mr. Eaton ask Mr. Dakin how he expected to use this money?

A. Yes, I think he did.

Q. What was the reply to that?

A. As I said before, he would send some of them to Fellows, and other he could see them in a social way, and he meant as if he would spend the money in sociability with them, and I think Eaton said, "Who are these men you want to see?" and he commenced naming over, and he progressed so slowly that Eaton says, "I have got a roll-call here," or something to that effect, and pulled it out and laid it on the table, and Mr. Dakin took and looked it over, and they were on the other side of the table from where I sat. He looked it over, and he commenced naming over the roll-call, and Mr. Eaton suggested, "Just check those over that would be necessary to be seen." Mr. Dakin I think said, "There are some checks on here already." And Eaton says, "Well, check on the other side." So he commenced, checked along; I don't know how many checks he made; I didn't see the roll-call only at a distance of two or three feet away, and Eaton says "Just put opposite those names the amounts necessary to see those men with."

Mr. Dodge—The witness mentions that Mr. Eaton took the roll call out of his vest pocket. Do you wish to be so understood?

A. I wish to be understood that Mr. Eaton gave Mr. Dakin a roll call.

Mr. Dodge—From his vest pocket?

A. From some pocket, I could not tell where it came from, I would not be positive. He took it from some pocket anyway. He made some motions to look for it. In the meantime, when they spoke about the roll call, I had one in my possession that I have had for some time.

Q. I will ask you how you came by that roll call?

A. I think it was from a suggestion of Mr. Little here. Mr. Little said we ought to get a roll call, and we got them through him from somebody here.

Q. For what purpose did you obtain these roll calls?

A. The purpose was suggested by Mr. Little that persons that we were acquainted with—

Judge Van Zile—I object to it. I can hardly see the relevancy of going into this matter.

Mr. Conductor Goodrich—I should like to state the reason why I asked the question. It appears to us here that the whole line of their defense, so far as this is concerned, is to show that Mr. Eaton and Mr. Fellows procured these roll calls for a purpose, and that that purpose was to lead Mr. Dakin into difficulty. Now, we propose to show for what purpose they obtained these roll calls.

Judge Van Zile—We disavow any such purpose. We understand that anybody can get a roll call, and that it is not a badge of fraud on the part of any man that he has got a roll call in his pocket. To go into this matter of what Mr. Little said about the roll call is entirely irrelevant.

Mr. Conductor Goodrich—I understood this to be the line of defense marked

out by Brother Dodge, that he indicated in the cross-examination of Mr. Eaton. He was attempting to show, as I understood it, that he procured this roll call for a purpose.

Judge Van Zile—There isn't any idea of trying prove that he procured a roll call for a purpose. The idea is that he had a roll call, and used it for a purpose. Not that he procured it for a purpose. Every body has a roll call; here is a roll call; there are roll calls all over this House. It is a mere assumption to say that we claim it was procured for a purpose.

Q. For what purpose did you use the roll call?

Judge Van Zile—I can hardly see the relevancy of that.

Mr. Conductor Goodrich—The gentleman says that it may be used for a purpose, indicating very strongly that perhaps this may have been used for a purpose.

Judge Van Zile—I hardly think it is possible that my friend can misunderstand me in that way. It was not that it could be used for a purpose, but only that Mr. Eaton had used it for a purpose. The House can tell what the facts are.

Mr. Conductor Goodrich—I submit it is a proper question.

The Speaker.—Ask the question.

Witness—I used it if I met a member and talked with him; I would judge from his views whether he was friendly towards the passage of the charter of Saginaw City or not. If he was I would check him and if he was against us a bitter enemy, if he said that our measure could not be granted I would also make some memorandum, you know. I might talk with other friends here who would see and reason with him, so we could explain this matter more fully probably than he understood it.

Q. Go on and state what was done with that roll call at that place?

Mr. Conductor Diekema—Which one?

Mr. Goodrich—The one that Mr. Eaton had at that restaurant.

A. After Mr. Eaton told him to set the amounts opposite those names that he had checked, Mr. Dakin used the pencil, made some marks or figures; I can't tell what they were because I did not look over it. It was on the other side of the table. Apparently as he finished he passed the roll call or a paper very like that and stated "There is one man who ought to have \$25.00."

Q. Who said this?

A. Mr. Dakin.

Q. Who was that man?

A. Mr. Rumsey.

Q. A member of this Legislature?

A. Yes, sir.

Q. What did Mr. Eaton say in reply to it?

A. I don't know as he said anything.

Q. What did you say, if anything?

A. I think I said "What, Rumsey \$25?" He said "Yes, he will be a very valuable man if you can secure him for that."

Q. Was there anything further said by Mr. Dakin in relation to this particular matter?

A. He and Eaton kept on talking some further I think, but I cannot place anything nor remember anything that took place of any importance after that. I think dinner was called at about that time. There are curtains that draw together, and the man who keeps the house came in and drew them together,

and we thought probably we had occupied the apartment long enough and got up and came out on the street and we parted on the corner there.

Q. Do you remember of seeing the amounts set opposite those names upon the roll call?

A. No, sir, I never saw the roll call only at a distance. I could not tell the names that were checked.

Q. Were they read over in your presence?

A. I think between Mr. Eaton and Mr. Dakin they looked them over. I did not, nor Mr. Fellows, pay much attention to it while they were doing that.

Q. Was there any other or further conversation there at that restaurant between you gentlemen in relation to this matter?

A. Not that I remember. I think not.

Q. What was the condition of Mr. Dakin at that time?

A. In what way do you mean?

Q. So far as being sober or under the influence of liquor or otherwise?

A. He was sober.

Q. You say you have been acquainted with Mr. Dakin for four or five years last past.

Q. Is he a man in the habit of becoming intoxicated?

A. I never heard so and never saw him so.

Q. Generally considered a sober man, is he?

A. Yes, sir.

Q. How many times did you see him drink upon the 19th of April?

A. Twice.

Q. What did he drink each time?

A. Sour wine. Catawba they call it I think.

Q. Did you meet Mr. Dakin at any other time during that day after his conversation at the restaurant?

A. Yes, sir.

Q. Where?

A. In the evening, I think about five o'clock, I came up to the capitol and he and P. C. Andrews, of Saginaw City, were talking there, and Dakin and Fellows and a man by the name of Tillotson, and I stopped a few moments, had not a great deal of time to spare to go back to the train, and I wanted to go home that evening. It was nothing more than good-bye or something like that.

Q. You had no other conversation with him that day in relation to this charter matter or the procuring of money?

A. No.

Q. Did you state all that was said in relation to the mayor going up to Saginaw for money or that they expected money from the mayor?

A. I don't believe that I stated that. I think they said Shackleton had gone to Saginaw with Linton and they wanted him to telegraph some money, or he suggested he would or something like that. There was something said about money by telegraph. I don't remember just how it was.

Q. By whom?

A. By Dakin and Fellows both, I think.

Q. They stated that they expected money from the mayor, did they?

A. Yes, sir.

Q. By telegraph or otherwise?

A. I think by telegraph.

Q. For what purpose do I understand you?

Mr. Dodge—We object to the question as incompetent.

The Speaker—If they stated the purpose he can testify.

A. Before they spoke about the mayor going to Saginaw they stated that they ought to have some money to-day to work with the members, as Linton was away.

Q. They stated they ought to have some money to-day to work among the members as Mr. Linton was away ?

A. Yes, sir.

Q. Do you know why they wanted it on the 19th because Mr. Linton was away ?

The Speaker.—Did they state the reason ?

A. I could not say positively whether they did state the reason or not.

Q. I will ask you if you do not know that Mr. Linton was somewhat in opposition to the bill before the Legislature, the charter ?

A. Yes, I have been told so.

Q. I will ask you whether you did or did not understand at that time that this was the reason why they wanted the money to use upon this particular occasion, because Linton was opposed to the amendment to the charter and was away ?

Mr. Dodge.—We object to that.

The Speaker—You need not answer that question.

Q. I will ask you if you have any ill will or ill feeling toward Mr. Dakin, the respondent in this case ?

Mr. Dodge—We object to that.

The Speaker—What is the objection ?

Mr. Dodge—It is not material whether he has any ill will or friendly feeling. We are not raising that question. It has not been raised. If we undertook to show that on the cross-examination we would have a right to do so, but this is not the proper proof on the direct examination with their own witness.

Mr. Conductor Goodrich—I will ask the gentleman where he gets his knowledge from—why we have not the right to ask a question of that character ?

Mr. Dodge—I shall be pleased to inform the gentleman after we adjourn.

Mr. Holden—Greenleaf on evidence.

Mr. Conductor Goodrich—He has given evidence which this House has listened to and it is for them to consider whether it is for or against the respondent. It is the duty of this House to know if possible whether this man has any ill-will or feeling towards the respondent, and if we can draw this out from the witness it is our duty to do so and it is our prerogative. It is our right to ask this witness the question if he has any such feeling. There is an inference drawn, and inasmuch as the line of defense ran in that direction yesterday in the examination of Mr. Eaton—

Mr. Dodge—I object to the statement made by counsel. I think it entirely out of order. It is an argument addressed to the members of the House. It is not for the enlightenment of the Speaker to rule upon this question. It is one of those harangues for the benefit of the House.

Mr. Conductor Goodrich—If it is offensive to the House, and if the members of this House are afraid to hear I hope they will stop their ears. I am addressing this to the Speaker who is the one to decide, and when I ask a question of this kind and an objection has been made, I have the right to state why I ask the question, and the gentleman has the right to oppose it if he wishes. I say that the line of their defense ran in that direction yesterday. They were trying to draw from Mr. Eaton that he had animus, and that he was following

the respondent. And this will be the line of the defense all the way through, and we have the right to anticipate it, and I say that I know of no rule that prohibits the examining committee in relation to this matter to ask this witness the question upon direct examination whether he has any feeling in this matter or not. We are afraid—I openly and boldly make this assertion that we are afraid that the defense will not ask this gentleman this question. If we thought they would ask the witness this question, whether he had any animus or ill-feeling towards the respondent, we would not press this question any farther. But inasmuch as we fear that they will not ask the question we think we have the right to ask it on direct examination, and shall urge that it be answered.

Mr. Van Zile—It occurs to me that that is rather a strange argument in the light of the authorities upon evidence that are so well written and so well understood by lawyers. Now, what is the presumption? The presumption is, if your honor please, that the witness sits there entirely impartial, to tell us the truth as it occurred. What is the office of the cross-examination? The office of the cross-examination would be to sift him, and if there was anything that would contradict the presumption, to show it. Why, my friend might as well stand before this House, or before a court of justice and insist that he could ask the witness if his reputation in the neighborhood where he resided was good for truth and veracity, or that he might call witnesses to show that it was. And whoever heard of such a thing, that you could impeach or even sustain the character of your own witness?

It might be possible that it would run through the mind of my friend that possibly the defense would not undertake to impeach the witness, and he might be anxious that the House should understand that the witness is a man of good character and reputation in the community for truth and veracity. Why, such a thing as that it seems to me runs counter to all the authorities upon the law of evidence. That is entirely a matter of cross-examination. Everybody is presumed to know—it is a presumption that the law lays down—that that man sits there an impartial witness. Nothing in the line that my friend speaks of should frighten him, that this side would not ask this witness that question. Why, we need not ask it or we may ask it. It does not make a particle of difference. If we do not ask it the presumption is that he is impartial unless there is something in his testimony that has proven that he was not. I never yet heard—of course my experience is not so broad perhaps as that of my friend—but I never yet heard of such a question as that being asked and sustained in a court of justice. “Have you any ill-feeling?” Why, it is slapping the law in the face. It is running counter to the very theory and idea of the law of evidence.

The Speaker—The objection is sustained. The chair will ask this question, which has been handed up: Was there any promise of money made by you or Mr. Eaton to either Mr. Dakin or Mr. Fellows at the time of the meeting in the saloon or at any time prior, to your knowledge, by any other person?

Q. No.

Q. Did Mr. Dakin say or intimate that he could buy Mr. Rumsey's vote or influence for \$25?

Mr. Holden—I object to that part of the question in which he is asked for an intimation. That is asking for the conclusion of the witness. The question is proper if it asks what was said upon the subject, to allow this House to judge of what was meant by it. The members of this House are here to weigh the vote, to get their inferences and not the witness'.

Mr. Conductor Herrington—What was the question?

The official stenographer read the question as follows: "Q. Did Mr. Dakin say or intimate that he could buy Mr. Rumsey's vote or influence for \$25?"

The Speaker—The chair is of the opinion that the objection is well taken, to that part of the question. The question was sent to the chair by one of the members of the House. Mr. Crowley may answer whether Mr. Dakin did say that he could buy Mr. Rumsey's vote or influence.

Mr. Van Zile—If he used that language there is no objection to it.

A. No, he did not.

Q. You say that Mr. Dakin did not say that he could buy Mr. Rumsey's vote or influence for \$25?

A. No.

The Speaker read the following:

Q. Then what reason did Mr. Dakin give for putting that amount opposite to Mr. Rumsey's name, it being larger than the other amounts.

A. I thought I stated that. As he finished up making those figures and passed the roll-call over like that (illustrating), I don't know whether the figures "25" were there or not, but he made the remark "There is a man that ought to have \$25." I said "Who is that?" He said "Mr. Rumsey."

The Speaker—Did he assign any reason?

A. No.

Mr. Conductor Goodrich—Was there any other conversation that you remember of that was had upon that occasion between Mr. Eaton and Mr. Dakin in your presence in relation to this matter, that you have not stated?

A. Not that I remember of now.

Mr. Conductor Goodrich—That is all. Take the witness.

The Speaker read the following:

Have you at any time during the present session of the Legislature heard the name of any member of the House mentioned by Mr. Dakin, or in his presence, in regard to the use of money in connection with any matter of legislation pending in this House other than as stated in connection with the fifteen members already specified?

A. No.

CROSS-EXAMINATION BY MR. HOLDEN.

Q. This occasion of your coming to Lansing was the fourth of the kind, was it?

A. The fourth time.

Mr. Manly—I would like to ask a question in connection with the one I sent up a moment ago, if I have time to write it down.

The Speaker—Send it up and it will be asked afterwards.

Mr. Holden—I will suspend.

Mr. Manly—I wish to add to that question, "or any one of the fifteen marked on that paper?"

The Speaker—Let the question be read.

The official stenographer read the question as amended, as follows:

Q. Have you at any time during the present session of the Legislature heard the name of any member of the House mentioned by Mr. Dakin, or in his presence, in regard to the use of money in connection with any matter of Legislation pending in this House other than as stated in connection with the fifteen members already specified, or any one of the fifteen marked on that paper?

A. Not up to that time.

Mr. Holden—I will resume my cross-examination.

Q. You were at that time the Recorder of the city of Saginaw, were you?

A. Yes, sir.

Q. You had recently been elected

A. Yes, sir.

Q. I do not suppose for one moment that you came here with any evil intention upon the Legislature did you?

A. No, sir.

Q. And you did not suppose that any one with whom you were associating had any evil intention, did you?

A. No, sir.

Q. Do you not claim to have manhood enough within you had you believed that a crime of that kind—that is, attempted bribery—was intended, to have rebuked it then and there

A. Yes, sir.

Q. You would have rebuked it?

A. Yes, sir.

Q. If you had understood that any bribery was intended?

A. Yes, sir.

Q. And would you not, if you had supposed at that time that anybody was trying to make you a party to it have rebuked it instantly?

A. Yes, sir.

Q. And most effectively

A. Yes, sir.

Q. Now as I understand it is a fact that you did not rebuke Mr. Dakin's course at that time

A. No, sir.

Q. It was then because you did not believe that he intended any harm, was it not

A. Yes, sir; I did not believe he intended any harm.

Q. Nor I. Now when you first came here on that morning you met Mr. Dakin and Mr. Fellows

A. Yes, sir.

Q. Where?

A. At the city National Bank corner down here.

Q. Where did you go then

A. We went into Cottington & Davis', into the Windsor restaurant.

Q. The saloon part?

A. Yes, sir.

Q. I suppose being Saginaw friends meeting that you took a drink?

A. Yes, sir.

Q. That is proper for Saginawians. Then you had a talk with them in regard to matters?

A. Yes, sir.

Q. And soon after met Mr. Eaton?

A. Yes, sir.

Q. And Mr. Eaton suggested the propriety of going in somewhere and sitting down?

A. Yes, sir.

Q. And they went in and another drink was had?

A. Yes, sir.

Q. There was no one present but these four?

A. No, sir.

- Q. And there was no impression or inference formed in your mind that Dakin intended to bribe any one at all, was there?
- A. I could not say there was; no, sir.
- Q. If there had been you would have rebuked it, would you not?
- A. Yes, sir.
- Q. You would have put a stop to it?
- A. I would.
- Q. In your hotel at Saginaw, I suppose, of course, you keep a bar?
- A. Yes, sir.
- Q. And in your acquaintance with Mr. Dakin has he at times been at your hotel—dropped in casually?
- A. I don't remember ever seeing him in my house.
- Q. Did you ever see him take a drink of anything that was stimulating until here in Lansing?
- A. Well, he has drank with me once or twice before, but what he drank I could not tell. It was home, in Saginaw.
- Q. Wasn't it some light drink, like pop?
- A. I could not tell what he drank. I think I remember the place where it was, but I don't remember what he drank.
- Q. In any event, he was not regarded as a drinking man?
- A. No, sir.
- Q. Nor a bad citizen in any way?
- A. No, sir.
- Q. He was regarded as an honest man, wasn't he?
- A. Yes, sir.
- Q. Entirely so?
- A. Yes, sir.
- Q. You never heard anything against his character until this matter came up?
- A. Not until this matter in the Legislature.
- Q. You have been an alderman of the city?
- A. Yes, sir.
- Q. Were you this last year?
- A. No, sir.
- Q. Were you one of the committee selected to come down here in the interest of the Saginaw City charter?
- A. Yes, sir.
- Q. Do you know that two charters were presented?
- A. Yes, sir.
- Q. Is it not a fact that some feeling on the part of the members of the committee—I do not include yourself, I exclude you from this question—arose in regard to Mr. Dakin's course in the matter?
- A. I don't know as I ever heard it expressed.
- Q. Don't you know that some members of the committee were offended because he had not aided them in their particular charter as they thought he ought?
- A. There was some talk pro and con. It was not directly at Mr. Dakin, you couldn't tell who it was. They would say it is too bad we have got in this muddle, it is too bad this man has took this way to represent us, or something like this, we would be better without nobody, or something to that effect.
- Q. Was Eaton present at those conversations?
- A. I could not say whether he was or not.

Q. How many Saginawians were here in the interest of the Saginaw City charter on the 19th of this month? Name them.

A. I believe on that day there was Jay Smith, Eaton and myself came down together. We met certain Saginaw men here when he came.

A. Levi Tillotson.

Q. An ex-alderman?

A. Yes, sir. P. C. Andre came down.

Q. He is an ex-mayor?

A. Yes, sir.

Q. Col. Little?

A. Col. Little was here.

Q. And ex-alderman Fellows?

A. Yes, sir.

Q. Do you call to mind any others?

A. No.

Q. D. C. Dickson?

A. D. C. Dickson came in that evening about eleven o'clock from Chicago.

Q. Is he ex-controller of the city?

A. Yes, sir.

Q. And was a member of the committee on charter amendments?

A. Yes, sir.

Q. And helped to prepare one of the charters?

A. Yes, sir.

Q. That is nine people altogether, as a matter of fact those gentlemen are all men of sociability, aren't they?

A. Yes, sir.

Q. Of social habits?

A. Yes, sir.

Q. They are the average Saginawian?

A. Some of them is.

Q. And it is not unusual for those men when they go away anywhere and meet with friends, to spend their money very freely?

A. It is unusual for some of those you have mentioned.

Q. But for the most part?

A. No, sir.

Q. Some of them?

A. Yes, sir.

Q. Some of them would think nothing of spending ten or fifteen or twenty dollars a day in a social way with friends outside of town?

A. No.

Q. It is a way they have?

A. Yes, sir.

Q. And they mean no harm by it?

A. No, sir.

Q. If I understand you right, you did not suppose, from all that occurred there with Eaton, and Dakin, and Fellows, and yourself, that any of these men intended to use that money in any other way than in sociability, did you?

Mr. Conductor Herrington—I object to that. Let the witness state the facts and then this House can judge what the intention was. He asks him to state what he supposes, which is clearly incompetent.

Mr. Holden—Under the rules of evidence governing cross-examinations it is

clearly admissable. Every lawyer upon this floor knows it. There is no question about it. It is fundamental in its nature. This is cross-examination, and has a bearing upon the motive of this witness, which I believe to be pure, and I believe that Mr. Dakin's motives were pure.

Mr. Conductor Herrington—All I have to say in relation to that is that the gentleman has a queer notion of purity. He says that every lawyer knows that it is competent because it is cross examination. He asks this witness what he supposes were the intentions of Mr. Dakin and Mr. Fellows. I submit that the proposition only needs to be stated to show the ridiculousness of it. Should not this witness give to this House the facts and let them judge whether Mr. Dakin intended anything wrong or not?

The Speaker—The witness must confine himself to the facts and not to suppositions.

To which ruling of the Speaker counsel for the respondent did then and there except.

Q. There was nothing in the facts that indicated to your mind that the money was to be used in any other than a social way?

Mr. Conductor Herrington—I object to that. It is the same question put in different words.

Q. Was there anything said that it should be used in any other than a social way?

A. Yes, sir.

Q. Who said it, and what did he say? All I want are the facts.

A. As I said before, "You can give Fellows the money and I will see my man and send him to Fellows," that was stated. Now, what he meant you can take from that; you have got it just about as I got it.

Q. You have before stated that had you supposed it meant any corruption you would have rebuked it. That is true?

A. Certainly I would.

Q. Now, the substance of the conversation concerning Mayor Shackleton was this: That he and Representative Linton, who is the member from East Saginaw, had gone back home for the purpose of agreeing upon a compromise of hostilities, as it were, between the two charters?

A. Yes, sir.

Q. And that was stated to be their purpose in returning home?

A. Yes, sir.

Q. Did you see Mr. Fellows produce a memorandum of their proposed agreement?

A. Yes, sir.

Mr. Holden—Mr. Speaker, may I be permitted to ask if Mr. Fellows is in the room, and if he has the memorandum to produce it?

(A paper was here brought to the counsel.)

Q. (Showing witness the paper.) Is that the memorandum?

A. I think that is the document.

Mr. Holden—I offer the document in evidence. It becomes a part of the conversation, and tends to throw light upon other parts of the conversation. I never have seen it until this moment.

EXAMINATION BY MR. CONDUCTOR GOODRICH.

Q. Did you read that?

A. I read the first three lines at that time and I handed it back. I says, "We are better without Florence than with those conditions."

Q. You did not read it through ?

A. No.

Q. You do not know whether this is the same document or not ?

A. The heading is the same and I remember the hand-writing.

Q. There is an interlineation there ?

A. That was done there in pencil when I looked at it.

Q. Did you read it clear through ?

A. I did not.

By Mr. Conductor Herrington: We object to it as incompetent, because the witness states that he did not read it clear through, and therefore he cannot positively identify it, and also because it is not signed by any person. And I would like to ask the witness a question—

Q. Can you identify that positively as the paper ?

A. Well, the writing is the same, it was on the same heading as near as I can remember, and I remember these letters here, the way they are made. It has been either copied by the same man as near as could be, or it is the same identical paper.

Q. How much of the original did you read?

A. I should say about two lines of it, until I seen where it run. I seen what the idea was and I just handed it back.

Mr. Holden—In your judgment it is the same paper?

A. I would think it was the same paper, or an identical copy of the same paper, and written upon the same kind of paper and by the same man. I don't see any change in it.

EXAMINATION BY MR. CONDUCTOR GOODRICH.

Q. It was not signed at that time by any person?

A. No.

Q. It is not signed now ?

A. No.

Q. Then it was no agreement, was it?

A. It was about what they were talking of entering into. It was no agreement, of course.

Q. No one had agreed to sign that?

A. No, not as I understand.

Q. You never heard any one say that they were going to sign it?

A. No, sir.

Q. And you do not know whether their minds met upon that paper?

A. No, sir.

Mr. Conductor Herrington—In whose hand-writing is it?

A. I could not tell you.

Examination by Mr. Holden :

Q. This has the same general appearance of that paper?

A. Yes, sir.

Q. Did Mr. Fellows say that this was a memorandum of the proposed agreement which had carried Mayor Shackleton and Representative Linton to Saginaw?

A. He says something like this, that they have gone to see with regard to Florence.

Q. And produced this?

A. Took that out of his pocket and I just looked at it and seen where it run and says, "We are better without Florence than to agree to this."

The Speaker—The paper is admitted in evidence.

The paper was here marked by the clerk "Exhibit C," and read, and is as follows:

LANSING, *April 18, 1887.*

We agree to refund to Carelton township the amount of money they have paid to build the Genesee street road, to extend a water main to the lower end of said strip of Florence, to give said strip of Florence three electric lights and proper police protection, and to expend all the moneys received in the city treasury from said territory for the next eight years on said piece of territory.

RE-DIRECT EXAMINATION.

By Mr. Conductor Goodrich.

Q. You stated that you did not, at that time that they were talking at the restaurant about money being used, that you did not think that there was any bribery going on at all?

Q. No, sir.

Q. I will ask you what you thought was going to be done with this \$25 that was to be obtained?

Mr. Holden—I interpose the objection that they themselves made right on that point, and the Speaker ruled that the witness should state what was said and not what he thought. I believe the Speaker was right, even though he ruled against me. I ask that the ruling be continued, because I believe it is right.

The Speaker—Anything that was said between the parties is competent. What Mr. Crowley might have thought was going to be done with it is irrelevant.

Q. I ask you how much that list figured up, if you understand.

Mr. Holden—I object. The list is the best evidence, and the witness said he did not have it in his hand or see it only at a distance.

The Speaker—Did you hear Mr. Dakin state what the amount footed up?

A. No; I could not say that I did. The only distinct amount that I can remember was stated as the figures were finished and the roll call passed away, that one man ought to have \$25, and I asked the question myself who it was, and he said Mr. Rumsey. I said, "What, Mr. Rumsey?" He replied, "Yes, a very valuable man if you get him for that," and that ended it. We left our seats and got out of the room.

Q. Did Mr. Dakin say at that time that \$25 could be used or not, with Mr. Rumsey?

Mr. Holden—I object to that as leading.

Q. What did he say in relation to \$25 to be used with Rumsey?

Mr. Holden—I object to that as having been gone over six times, of which I have the distinct honor four times myself.

Mr. Goodrich.—I did not keep count, although I hardly think it was six. I hardly think that that very question was asked.

The Speaker.—Ask the question.

A. He said Rumsey ought to have \$25.

Q. For what?

A. We were just about arising from our seats and came out of the room at that time.

Q. What did you understand before?

Mr. Holden.—O, don't commit the error I made the second time.

Mr. Conductor Goodrich.—Did you commit an error?

Mr. Holden.—The chair so ruled.

Mr. Conductor Goodrich.—I ask for a ruling on that.

Mr. Speaker.—The objection is sustained.

Q. We would like to know what you mean when you say that you did not understand that there was any bribery connected with this, when you say that Mr. Dakin thought Mr. Rumsey ought to have \$25.

Mr. Holden.—I object to that.

Mr. Conductor Goodrich.—What do you mean by that?

Mr. Holden. The testimony of the witness is the best evidence of his own meaning. It was clearly, concisely and fairly given in such a manner as capable of being comprehended by every man, woman and child upon this floor. It is not ambiguous.

Mr. Conductor Goodrich—I would say that it is somewhat ambiguous to me. I understand this, that Mr. Crowley is our witness, and we believe him to be honest, and we believe that he desires to tell the truth just as he understands it. We believe him to be a candid, upright man, and will tell the truth just as he understands it, but I say this is ambiguous to me, and it must be to the members of this Legislature. The witness states that he did so understand that there was bribery going on. He did not understand, although this list was made out and a valuation fixed to these fifteen different members of the House, although a price was fixed upon each one, he did not understand that there was any bribery going on. I want to know what he means when he says he did not understand that there was any bribery going on, or that Mr. Dakin did not intend to approach these members when he fixed a value in dollars and cents to the names of these men. I want to know what the witness means by that.

The witness—I would be glad to tell you if I were permitted to do so.

Mr. Holden—I withdraw the objection if it is a question of privilege.

The Speaker—Answer the question.

A. I thought like this, the amount set down opposite those men's, footing it all together, if that money was raised it would be for the benefit of Mr. Dakin and Mr. Fellows, and these members would never hear of it, that was my opinion.

Mr. Holden—Your honor has ruled that that may be admitted, that the witness may give his opinion upon that matter. I wish to ask one question.

Q. Nobody said that, did they?

A. No, sir.

Q. You have always had a good opinion of Dakin's honesty?

A. I had, but he wanted that money on that day.

Q. Did he ask you to give him some?

A. No.

Q. Did he ask Eaton to give him some?

A. No, I could not say.

Q. You heard Eaton swear yesterday that he did not?

A. I did not hear all of Mr. Eaton's testimony yesterday, I was not in the room.

Q. Do you remember hearing him testify upon that point, that Dakin did not ask him for any money that day?

A. I did.

Q. You heard Eaton so testify?

A. Yes, sir.

Q. So far as you know that is absolutely true, is it?

A. That is the absolute truth.

The following question was sent to the Speaker's desk and read :

Q. Was there anything said during this interview at the restaurant as to what purpose the \$25 placed opposite Mr. Rumsey's name was to be used for?

A. No.

The witness then leaves the stand but returns and makes the following correction :

I wish to make a correction. It just came to my mind through Mr. Little. Mr. Holden asked me if Mr. Dixon was not here on the 19th. As I come to remember it was not the 19th that he came here, it was the time before that that I was down that he met us here. It was not on the night of the 19th that he came here.

Levi Tillotson, being duly sworn, testified as follows :

Examined by Mr. Conductor Snow :

Q. Where do you reside?

A. Saginaw.

Q. How long have you resided in Saginaw?

A. About eight years.

Q. Are you acquainted with Milo H. Dakin?

A. Yes, sir.

Q. And Giles Fellows?

A. Yes, sir.

Q. Where were you on the 19th day of the present month about two o'clock in the afternoon?

A. I was in Lansing.

Q. Do you remember of meeting Mr. Dakin or Mr. Fellows about that time?

A. I do, sir.

Q. Where did you meet them?

A. I met them right here on the corner, on the street the Hudson House is on.

Q. Do you remember of having a conversation with Mr. Dakin and Mr. Fellows upon that occasion?

A. Yes, sir.

Q. State what that conversation was.

A. I met Mr. Fellows and Mr. Dakin, and after the usual greeting I asked them how matters stood in regard to our charter. They said they thought things looked very favorable, and that they needed some money to carry it through.

Mr. Holden—I want to know which one said that.

A. Mr. Fellows.

Mr. Holden—I object.

Q. Was Mr. Dakin present?

A. Yes, sir.

Q. Proceed.

Q. Mr. Fellows spoke and said that they would have to have some money in order to get the matter through, and that Mr. Shackleton had not brought any money down to amount to anything. I think he spoke and said about ten dollars, and after a while he said that Mr. Shackleton gave him five dollars, and Mr. Dakin two. Then Mr. Dakin told me that he had given Mr. Eaton a certain statement or list of names; that it would take money to use to get that charter through. I said to him, "Mr. Dakin, in the name of God you didn't do that." He says, "I did." I said, "You had better go and have

it straightened at once, for you will get into trouble;” and I advised him to go and see Mr. Eaton and put a stop to it.

Q. Do you remember whether Mr. Dakin said how much money was necessary to use among the certain member that he made a list of?

A. I think he said from five to twenty-five dollars.

Q. Apiece?

A. Yes sir.

Q. Did he say to you in what manner he intended to use this money?

A. No, sir, I don't think he did, any further than in a social time.

Q. Do you remember of making any statement to them, or saying to them, or asking them if they were not doing wrong in undertaking to use money in this way?

A. When Mr. Dakin made the statement that he gave a list, I told him that it was wrong and asked him why he did it.

Q. What was his reply?

A. He said he knew it was not right.

Q. Was there anything further said during that conversation in regard to this matter?

A. I think that was the sum and substance of it. There might have been some talk besides, but nothing that I remember now.

Q. Did you meet Mr. Dakin that day at any other place?

A. I think I did see him two or three different times, twice that I recollect.

Q. Did you have any conversation with him?

A. I don't remember talking to him about this matter after that. There might have been some words, something said.

CROSS EXAMINATION BY MR. HOLDEN.

Q. This was on the street, was it?

A. Yes, sir.

Q. You being a gentleman from our town of Saginaw, was anything said about taking anything in a social way, drinks or cigars?

A. At that time?

Q. Yes.

A. Yes, sir.

Q. Upon whose invitation?

A. Upon mine.

Q. Was it accepted or declined on Dakin's part?

A. It was declined on Dakin's part.

Q. And you told Dakin, as I understand you, when he said that he had given a list, or marked roll call to Mr. Eaton, “In the name of God, Dakin, why did you do that; Eaton will get you into trouble with it, I am afraid?”

A. No, sir, I told him he would get into trouble. I don't remember saying, Eaton would get him into trouble.

Q. You advised him to get the paper back?

A. Yes, sir.

Q. And you told him that you would try and get it back, didn't you?

A. I told him I would go with him or help him if I could. I did not tell him I would try and get it back.

Q. Did you not tell him that Eaton was not a friend of his?

A. No, sir, I don't think I did.

Q. Do you know whether, as a matter of fact, he was a friend?

A. That, I could not say.

Q. Never knew that he was a friend ?

A. That he was or was not.

Q. Mr. Fellows was a member of the city committee sent here by the city authorities to aid in getting the charter through the Legislature, was he not ?

A. I understand so. I do not know it to be so, but I understand so.

Q. And it is a fact, is it not, that either the city of Saginaw or prominent business men were to reimburse this committee sent down in the interest of the city for their expenses ?

A. I so understand, I do not know that to be so.

Q. But that was your understanding of the matter ?

A. Yes, sir.

Q. You are an alderman of the city ?

A. Yes, sir.

Q. Were you last year ?

A. Yes, sir.

Q. And are yet ?

A. And am yet.

Q. Your term of office expires when ?

A. Next spring.

Q. You were not up for re-election this last spring ?

A. No, sir. The reason that I do not know is that I was away from home for two months; went away the seventh of February and did not get back until the first of the month.

Q. On a trip to California ?

A. Yes, sir.

Q. And that is all you know about the matter ?

A. That is all I know about it.

The following question was submitted by a member and read by the Speaker :
What reply did Dakin make when you advised him to see Eaton and fix the matter up ?

A. I don't know that he made any reply. He asked me to see him.

Q. He asked you to see Eaton ?

A. He said that he had done wrong and he asked me to see Eaton.

Q. Did you see Eaton in regard to it ?

A. I saw him after I left Dakin; saw Eaton just this side of the Hudson House.

Q. And told him to give up the matter ?

A. No, sir, I did not say anything about it at that time, any further than when he told me what Dakin had done, I told him Dakin had told me substantially the same thing.

Q. And what did you say to Eaton then ?

A. I don't think I said anything to him just at that time.

Q. Afterward, pertaining to that particular subject, what did you say ?

A. I asked if he he could not give up this—

Mr. Conductor Snow—That is objected to as incompetent.

Mr. Holden—It is competent as showing the motive of the complaining witness and as contradicting him also, wherein Mr. Eaton stated to this House that Mr. Tillotson had not asked him anything upon the subject.

Mr. Conductor Diekema—There is no such answer in the record.

The Speaker—What did Mr. Eaton say ?

A. When I asked Mr. Eaton if this matter could not be fixed up he said he

did not know, he did not think he would dare do it now; I think that was about what Eaton said.

Q. Did you ask him for the list?

A. No, sir, I did not ask him for the list.

Q. When you spoke about fixing up the matter?

A. I asked him if it would not be better to give back this list. He said he did not know that he dared.

Q. When was that?

A. I believe that was on the 20th.

Q. What time?

A. I am not positive whether in the forenoon or afternoon. I think it was down near the Hudson House.

Q. Let me strengthen your recollection if I can. Was it not at the Hudson House and early in the morning, the first time you met him that morning?

A. No, sir; I think it was on the street.

Q. But in front of the Hudson House?

A. No, sir, my recollection is that it was this side of the Hudson House, on this side of the street. I would not be positive as to where the conversation took place.

Q. Don't you remember that it was in the morning?

A. No, sir, it runs in my mind that it was toward noon or perhaps a little after noon.

Q. But you are not positive as to the time?

A. Not as to the time.

The following question was sent to the Speaker's desk by a member and read by the Speaker:

Q. What did Eaton say to you, if anything, about having Dakin in his power on account of the slip?

A. He did not say anything to me in regard to that.

Mr. Conductor Diekema—This was on the 20th, was it?

A. Yes, sir.

Mr. Holden—You have, until this matter came up, always regarded the reputation of Milo H. Dakin as that of an honest man, have you not?

A. Yes, sir.

Q. Never heard ought to the contrary, have you?

A. No, sir, I can't say that I have.

The following question, sent to the Speaker's desk by Mr. Manly, was read by the Speaker:

Have you at any time during the present session of the Legislature heard the name of any member of the House mentioned by Mr. Dakin, or in his presence in regard to the use of money in connection with any matter of legislation pending in this House, other than as stated in connection with the fifteen members already specified, or any of the fifteen?

A. I have not.

Mr. Bates moved to amend rule 3, of the Rules of Order, by inserting in line 6 after the word "desk" the words "at the rear of the aisle." Also in line 7 after the word "desk" the words "at the rear of the aisle;" rule 3 as amended to read as follows:

- 1 RULE 3.—At the opening of the investigation the Speaker shall direct
- 2 the Sergeant-at-Arms to call the accused in the following manner: "Milo
- 3 H. Dakin, appear and answer to the charges filed against you by the com-
- 4 mittee of the House of Representatives of the State of Michigan on behalf

5 of said House.” If said accused or his counsel shall appear they shall be
 6 assigned seats in front of the Clerk’s desk at the rear of the aisle. The
 7 said committee shall also be assigned seats in front of the Clerk’s desk at
 8 the rear of the aisle. The Clerk of the House shall then read the charges
 9 preferred, and the accused may file answer thereto, and read the same.
 10 If the answer raises a question of jurisdiction the accused shall be allowed
 11 thirty minutes to argue the same, and the committee a like time to answer.

Mr. S. Baker moved to amend the amendment by striking out the word
 “rear,” where it occurs in lines 6 and 7, and inserting the word “center” in
 lieu thereof,

Which was accepted

The motion to amend then prevailed, two-thirds of all the members elect
 voting therefor.

The hour of 12 M. having arrived, the Speaker declared the House at recess
 until 2 o’clock P. M.

AFTERNOON SESSION.

2 o’clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The House resumed the investigation of the charges against Representative
 Dakin.

Mr. Hosford moved that rule 12 of the rules of order be amended by striking
 out the word “daily” after word “published,” and add at the end of the rule
 the words “as soon as may be,” so that the rule as amended shall read as
 follows:

“The stenographers employed shall take the constitutional oath of office and
 shall take full minutes of all the proceedings, which shall be published in the
 Journal as soon as may be.”

Which, after discussion by the members of the House, was withdrawn.

Jay Smith, recalled.

The following question, handed up by a member of the House, was put to
 the witness by the Speaker:

Q. Have you at any time during the present session of the Legislature heard
 the name of any member of the House mentioned by Mr. Dakin, or in his
 presence, in regard to the use of money in connection with any matter of
 legislation pending in this House other than as stated in connection with the
 fifteen members already specified?

A. I have not.

Mr. Conductor Chapman—Mr. Speaker, the committee rest their case.

The Speaker—Under the rule the defense will now be allowed fifteen minutes
 in which to open their case.

Mr. Holden—Mr. Speaker and gentlemen of the House:

We had not expected to be called upon to open our case at this time, but we
 had expected that when the time should arrive we would be very brief in the
 matter, as we wish to consume no more of the time of this House than is abso-
 lutely necessary to a full and fair understanding.

The defense in this case may well be apprehended from what has already
 occurred. The statement of the defendant has been taken in part. Of course,

from the manner in which it was taken, that is, in response to questions and written in a narrative form, it must be less complete, less in detail than it will appear upon the stand from the witnesses that we shall produce; and the only object that we have at this time is to state to you briefly that it is in the same general line of the evidence which has already been produced.

Our witnesses will be few and we expect that the members of this honorable body, when they have heard all the evidence that the prosecution and the defense may see fit to produce for their consideration, will believe that this defendant is more sinned against than sinning; that while he is perhaps deserving of rebuke and censure from this House for his stupid course in the matter, if I may be allowed the expression, he is still entitled to sympathy for the manner in which he was taken advantage of by a man less honest and more designing than he himself. We shall insist in this matter that one of the main characteristics of an honest man is to believe that others are honest. If you have ever dealt with Quakers, the most honest people on earth, you find them most readily gulled.

We shall ask you to believe from the evidence in this case which is already in, and that which is to come, that the respondent is the victim of a design. Had he been the rascal that some have asked you to believe, he would have had that shrewdness to have suspected that a vile conspiracy was in progress to entrap and ruin him. We shall ask you to believe from the evidence that the one who was so careful of his own reputation—that when he became so startled and frightened at his own situation in the matter—that it was a sham on his part; that if startled at all it was with the opportunity which he found he had to get even with three men, and he was willing to disgrace the fair name of members of this House, to insult the dignity of the House, for the purpose of accomplishing his object of getting even.

We shall expect you to believe from the evidence in the matter that being angry at Milo H. Dakin because he led, as Mr. Eaton believed, the council of the city of Saginaw to reject his nomination for re-election as city attorney, and at Giles Fellows, who was an alderman and voted against the confirmation, and the mayor of Saginaw, I say for this reason he was willing to disgrace the members of this House and bring reproach upon the reputation of Saginaw, which he yesterday said he was so careful to maintain at home and abroad. But for Frederic L. Eaton's course in this matter of coming to Milo H. Dakin, heretofore an honored and respected member of this body, and urging him to put down the marks opposite the names of certain members upon this floor, and then to put down the figures, to gratify his own spite; but for his action in the matter nothing of the kind would ever have been done. More sinned against than sinning; honest simplicity upon the one side and designing cunning upon the other. Milo H. Dakin would never have disgraced this House. It was Frederic L. Eaton that did it; did it designedly while Dakin did not design. We shall ask you to believe from the evidence that Milo H. Dakin has never approached a member of this House and sought in any way to induce him to violate his oath of office in any sense. We shall ask you to believe from the evidence in this case that what talk there was came up in a natural way.

It already appears in part that it was understood by the Common Council of the city of Saginaw, and leading persons there that the lobby members who should come in the interest of the city should have their expenses defrayed by the city and persons there; that it was talked to him that the best way to enable them to act in the matter was first to form the acquaintance of mem-

bers of this House; that if they came here into this hall during the progress of the business of the House, being strangers for the most part, they could get but little real attention, though of course civility and respect from every member; but being busy they could give the matter but little consideration, and that if in a social way the lobby members from Saginaw could meet the gentlemen of this House in their leisure moments, they could form their acquaintance.

And we know full well that we can present a matter better to a friend and acquaintance than to a stranger; that he takes more interest in a matter to look it up and see if there are merits or demerits in the measure. And Milo H. Dakin was simply led to believe that a social gathering in that way—not for the purpose of corrupting members in the least—might be had by way of courtesy to his friends and constituents, as other entertainments in a social way might be had, without the slightest intention of doing any wrong. In fact, there was no wrong in it as Milo H. Dakin was led to believe; but bad use of his confidence in this matter was designed to be made by Eaton unbeknown to Dakin.

Eaton knew the purposes for which he intended this interview. Dakin did not. We shall show you, in addition to what Eaton has said, more fully how Eaton urged that he designate particular members. For, Eaton being a lawyer, he knew as a legal proposition that if Dakin should make a general statement it would not be of the force that it would be to make a particular designation. And I say that the evidence will appear more fully in regard to the manner in which Eaton urged, and by his urging almost forced Dakin to make the designations which he did. Eaton has owned it in part but the truth has not yet all appeared.

This will be the general nature of the evidence to be produced. We have but one witness to call, I may say, gentlemen, aside from the ones subpoenaed on the part of the committee of the House. We supposed that they would be put on the stand, but inasmuch as the committee, for reasons satisfactory to themselves, have not seen fit to put them upon the stand, and as we suppose they know something concerning this matter, we shall put them on, and whatever there is in the matter, Mr. Speaker and gentlemen of the House, we want to appear. There is nothing that we shall keep back. We wish you knew it all, and will do what we honestly can to aid you to that end, and if we are able to give you an understanding of the whole of it, you will not expel this member.

By Mr. Conductor Diekema—I should like to know what the gentleman refers to when he says that we have not put upon the stand all of the witnesses subpoenaed by us.

Mr. Holden—Is it not true?

Mr. Conductor Diekema—It is not true.

Mr. Holden—Then I beg pardon of the gentleman. I was told by a number that they had been subpoenaed and expected to be put upon the stand on behalf of the committee. If I have been misled then perhaps I have been a victim also.

TESTIMONY OF GILES FELLOWS.

Giles Fellows being duly sworn testified as follows:

Examined by Mr. Dodge.

Q. Where do you reside?

A. Saginaw City.

Q. How long have you lived there?

A. About 21 or 22 years.

Q. How do you happen to be here in Lansing at this time? Was any subpoena served upon you?

A. Yes, sir.

Q. Since you came here in pursuance of the command of the subpoena, where have you appeared with regard to this cause; have you appeared before any committee?

A. Yes, sir.

Q. What committee was that?

A. It was this investigating committee, as I suppose.

Q. How did you happen to be before this investigating committee?

A. I was subpoenaed and notified to be there at such a time.

Q. Who notified you to appear before the investigating committee?

A. There was a gentleman came down and asked me to come up; I appeared here in the House and he came to me and wanted I should go up in the room.

Q. Was it one of the officers of this House?

A. Yes, sir, the man at the door.

Q. The deputy Sergeant-at-arms?

A. Yes, sir; the gentleman that is at the door now.

Q. And you appeared before the committee, and what did you do there?

A. I made a statement.

Q. Who was present on the committee?

A. There is none of them that I could recall their names only Mr. Snow. The others I was introduced to at the time.

Q. Were the other members of the committee that now appear here then present?

A. Yes, sir.

Q. They interrogated you there, did they?

A. Yes, sir.

Q. And took down your statement?

A. Yes, sir.

Q. What is your business?

A. I am a laborer.

Q. A day laborer?

A. Most of the time, yes, sir.

Q. Since you have been living in Saginaw have you held any official position?

A. I have been elected alderman from the second ward one term.

Q. Any other position that you have held?

A. No, sir, not officially.

Q. When were you elected alderman?

A. In the spring of 1886.

Q. When did your term of office expire as alderman?

A. This last April.

Q. Are you acquainted with Milo H. Dakin?

A. Yes, sir.

Q. How long have you known him?

A. I think it is about seven or eight years.

Q. Have you ever been down to Lansing with reference to the Saginaw City charter?

A. Yes, I was down twice before this last time. I have been here three times now altogether.

Q. When did you first visit Lansing with reference to the Saginaw City charter ?

A. It was some time in March. I cannot remember the date now.

Q. Of this year ?

A. Yes, sir.

Q. At whose instance did you come here ?

A. I was appointed as one of a committee from the council.

Q. Who were the other members of the committee ?

A. I cannot remember them all. From the council I think Mr. Tillotson, Mr. Shackleton, Mr. Caddington, Mr. Austin; that is all that I can call to mind now, I don't know but there were other members.

Q. Who notified you that you had been appointed as one of a committee to come down to Lansing, with regard to this matter of the city charter ?

A. Controller Dixon first spoke to me.

Q. What did he say to you ?

A. He asked me if I had got my council proceedings yet, and I said, no, and he says, "You are appointed as one of the committee." I was not there at the council meeting that night that I was appointed.

Q. If March last was the time when you first came down here, when did you come down the second time ?

A. I think in about a week afterwards I came down again.

Q. When did you come the third time ?

A. It was this last week.

Q. On the 19th day of April ?

A. I came down on the 18th in the morning.

Q. Who was to defray your expenses on these several trips; what arrangement if any, had been made with regard to them ?

A. Mayor Shackleton came to me and told me he wanted I should go down to Lansing with Mr. Dakin, and I told him I was already out about \$30 on the charter business and I didn't propose to be anything more out.

Q. What do you mean by that ?

A. I mean that I had expended about \$30 more than I had got back.

Q. In what way ?

A. In a social way around town.

Q. Does that include your railroad expenses and hotel bills ?

A. No, sir.

Q. How much have you expended altogether on your several trips down here in the interest of the city charter ?

A. I think perhaps fifty or fifty-five dollars.

Q. Have you ever received any portion of that back ?

A. I have received \$15.00.

Q. When did you receive the \$15.00 ?

A. I think it was the first meeting of the council in April.

Q. From whom did you receive it ?

A. I got my order from the controller and received it from the city treasurer.

Q. What did you expect to do down here at Lansing in the interest of the city charter ?

A. I expected to come down here with Mr. Dakin and help him what I could.

Q. In what way ?

A. Getting acquainted with the members and talking to them some and showing them a map and explaining to them as well as I could.

Q. What was there about the city charter that required yourself and others

to come down here and explain minutely to the members of the Legislature that they could not themselves have ascertained by an examination of the charter?

A. They proposed to detach a portion of territory called Florence and incorporate it into Saginaw city.

Q. Any other purposes?

A. No, not particularly that I remember of.

Q. Why did you deem it necessary for you and others to become acquainted with the members of the Legislature?

A. In order to talk with them and show them the philosophy of having that attached to Saginaw city.

Q. Did you talk with members of the Legislature, and if so, with whom?

A. This last time do you mean?

Q. On any visit that you have made here.

A. I talked with Mr. Oviatt, I believe, and to Mr. Snow, I think, on one occasion. I don't remember that I did.

Q. And with other members?

A. I talked with Mr. McGregor.

Q. And with other members?

A. Yes, sir.

Q. You cannot recall all the members that you talked with?

A. No, sir.

Mr. Manly—I would like to ask the attorney how he knows he cannot recall any others.

Q. Can you give the names of the others you talked with?

A. No, sir, I cannot remember their names now. I think I talked with Mr. Bates in regard to it the last time I was down, and gave him a map of the city.

Q. On your last trip down here previous to the present one you arrived here on the 18th of April, at what time in the day?

A. About 10 o'clock in the forenoon.

Q. What did you do after you arrived in Lansing upon that date?

A. I think we went from the depot right to the Eichle House.

Q. Whom do you mean by "we"?

A. Me and Mr. Dakin.

Q. Did Mr. Dakin come with you on the 18th?

A. Yes, sir.

Q. What day of the week was that?

A. On Monday.

Q. You got to the Eichle House, and from there where did you go?

A. I think we came up here to the capitol from there.

Q. What did you do on the 18th that you have not already stated in regard to the city charter, if anything?

A. I don't think we did anything that day. There was not many members here. I think I saw Mr. Bates on that day, but did not have much conversation with him because he understood it, I suppose, as well as I did and perhaps better. I gave him a map.

Q. Then on the 19th what did you do in regard to the city charter in the morning before 10 o'clock?

A. Monday night we came up here to the house, Mr. Dakin and me, and when the evening train came in Mr. Shackelton came up here and after the House adjourned we got to talking with Mr. Linton, and Mr. Linton made this proposition to him that was sent up here in writing.

Q. Made that proposition to Mr. Linton?

A. Yes, Mr. Linton favored it.

Q. Was this the identical proposition that was introduced in evidence this morning at the time that Mr. Crowley was on that stand that was talked over on that occasion?

A. Yes sir.

Q. That is the identical paper?

A. Yes, sir, that is the identical paper that the other was copied from that he had with him.

Q. Then on the morning of the 19th what did you do previous to 10 o'clock, if anything with reference to the city charter?

A. This was on Monday that I am speaking of.

Q. I am now speaking with reference to Tuesday the 19th?

A. I don't know that we talked with anybody only Mr. Snow; I think we spoke with him.

Q. You had talked with Shackelton and Linton on the evening of the 18th and on the morning of the 19th also?

A. No, sir, no more than we went over to the depot with them on the 19th.

Q. What conversation, if any, did you have with Shackelton on the evening of the 18th and on the morning of the 19th with reference to this matter?

A. On the evening of the 18th we were talking with Mr. Linton most all the evening, in fact we were here until nearly 12 o'clock when we left the House.

Q. Was that with reference to some compromise?

A. Yes, sir.

Q. What was the conclusion arrived at at that time between Mr. Linton, Mr. Shackelton and yourself?

A. They came to the conclusion that they would go to Saginaw, and Mr. Linton would talk with the people of Carrolton and East Saginaw, and Mr. Shackelton would talk with the people of Saginaw City, and if it were agreeable, Mr. Linton said, so far as he was concerned, he was perfectly willing it should go so.

Q. You have been here and heard the testimony that has been taken in these proceedings thus far?

A. Most of it.

Q. You heard something with reference to Shackelton going back to Saginaw for some money. Will you state what there is about that as you understand it?

A. There was nothing said about it on Monday. On Tuesday morning when we were going to the train Mr. Shackelton asked me if I got any money when I left Saginaw. I told him no, and I put my hand in my pocket and pulled perhaps fifty or sixty cents, and I said that is the extent of my pile, and he took out \$5 and handed me and said he would bring some more when he came, and I asked him if he would be through and be back that night, and he said he did not know, but he thought he would, but if anything happened that he did not he would telegraph us so that I could get some money by telegraph.

Q. What were you to have money by telegraph for?

A. For my expenses.

Q. What expenses?

A. Expenses that I might incur here.

Q. To be used in a social way?

A. Yes, sir, no other way. Nothing of any other way was talked of at all.

Q. On the morning of the 19th Mr. Shackelton returned to Saginaw. Whom did you next see from Saginaw with regard to the city charter, if any one?

A. Nobody that I know of. Until the meeting of Mr. Eaton and Mr. Jay Smith down here in the hall of this House.

Q. About what time in the morning was that?

A. I should judge it was about half past nine o'clock as near as I can remember.

Q. Did you have anything to say with Mr. Eaton or Mr. Smith on that occasion?

A. As I met them we shook hands and Mr. Eaton asked how things looked in regard to the charter. I said they looked first rate and he says "What did Shackleton go back to Saginaw for?" and Mr. Dakin spoke and said "He went back with Mr. Linton to fix his matter of Florence, between East Saginaw and Saginaw City, and to bring back some money with him for Fellows' expenses; and Mr. Eaton asked him if he thought any money could be used with the members in the interest of the charter, and Mr. Dakin says "Of course it could in a social way," and that was about all that I heard said about money.

Q. Did you hear the entire conversation?

A. I think I did.

Q. Have you stated all that took place between the gentlemen that morning at the time of this meeting?

A. All that I can recall now at present.

Q. You heard Mr. Eaton's testimony with reference to the G. A. R. men and what was said on that occasion, did you not?

A. I heard his testimony.

Q. What have you to say with regard to that part of the testimony where Dakin said there were some G. A. R. men, about thirty, that he could see to advantage, or words to that effect?

A. I did not hear any such language at all.

Q. I wish you would try to refresh your mind and give us a statement of just what you did hear between those gentlemen in the presence of Mr. Dakin that morning in the rotunda of the capitol.

A. I think Mr. Dakin told me that Mr. Shackelton only brought out about \$10 with him to pay his expenses and mine, in a kind of a laughing way. I think that was said there if I remember right.

Q. Whose expenses did he mean, Shackelton's?

A. Shackelton's and mine. That is the way Dakin spoke.

Q. You heard Mr. Eaton in answer to a question yesterday by Judge Holden say that he inquired of him, Dakin, how much money he wanted or needed, and the next inquiry made of him was "I asked if we would get a favorable report from the committee, and he said that there is no doubt but that the report will be adopted by the House."

Q. Do you remember that conversation?

A. No, sir; I do not.

Q. He says next following, the next inquiry I made of him was this: I asked if he would get a favorable report and he said "There is no doubt of it if I can have what I need to do it with," that Dakin replied to him in that way.

A. No, there was no such conversation took place in my hearing.

Q. Did any conversation of that kind take place can you say.

A. No, sir; not there at that time.

Q. At any other time did a conversation of that import take place?

A. No, sir; not that I heard.

Q. Mr. Eaton says that he said "How much have you an idea that you will need." Did you hear him make that inquiry of Dakin?

A. No, sir.

Q. Did he make such an inquiry Mr. Dakin?

A. Not in my presence.

Q. You were present all the time on that occasion?

A. I was present there all the time.

Q. And heard everything that was said?

A. Yes, sir.

Q. Did you hear Mr. Dakin reply to him "I cannot tell until I begin to work, until I canvas the matter some more?"

A. No, I did not hear.

Q. Was anything of that kind said?

A. No, sir.

Q. Mr. Eaton testified that Dakin said, "now we were out last night. We were out till 12 or 1 o'clock with some of the boys. We were out with several of them and we spent considerable money. There is four of them who are solid," or words to that effect, that he used the word "solid," and as to their being all right. Did you hear any such conversation or anything of that import?

A. No, sir.

Q. Was anything said by yourself or Dakin to Eaton or to Smith of that import?

A. No, sir.

Q. Did any conversation of that kind, or with reference to that part of the subject, take place in your presence?

A. No, sir.

Q. Did any conversation of this kind take place: "Mr. Fellows remarked that he was promised some money before he came down here, but no one gave him any money, and he came with what he had in his pocket; that he had \$32 in his pocket when he left home. He had paid his expenses and he had used it all up. This was on Tuesday, and he said that he came down on the morning train, Monday." Did anything of that kind take place?

A. I think I did tell him that I expected some money to pay my expenses with, that I was promised some money to pay my expenses with; but I did not tell him that I spent \$30 the day before.

Q. Or \$32?

A. Nor \$32.

Q. Nor any particular sum of money?

A. No, sir.

Q. Did you tell him you were out with some of the members of the House of Representatives the night before?

A. No, sir.

Q. Did Dakin tell him he was out with any of the members of the House of Representatives the night before?

A. Not in my hearing.

Q. You say not in your hearing? You have said before that you heard everything that was said?

A. I heard what was said. What I mean by that is if he told him so it was at some other interview. It was not at that interview.

Q. This testimony relates to the interview there in the rotunda of the capitol. He then says: Eaton says, "I then asked Mr. Dakin how much money he had an idea he was going to need and he replied as I stated, that he could not tell until he had made a canvass." Did any such conversation or anything of that import take place?

A. No, sir.

Q. Did any words to that effect pass between any of these parties in your presence on this occasion?

A. No, sir.

Q. You heard Mr. Eaton's testimony wherein he testified to the facts substantially as I have stated them, yesterday, did you not?

A. Yes, sir.

Q. What have you to say with reference to that portion of the testimony that I have now called your attention to, and that you heard yesterday as to its being true or false, true or untrue?

A. I should say it was untrue.

Q. Did you hear Mr. Dakin say to Mr. Eaton "If we should go to a man and talk with him and make him any promise, and then for any reason I would fail to get the money he would be disappointed and he would go back on us, and it would hurt us rather than help us?"

A. No, sir, he did not.

Q. Did any conversation of that kind take place?

A. No, sir.

Q. Did he say they could not commence doing any work until they got the money?

A. No, sir, I did not hear that either.

Q. Did Mr. Eaton as he testified here yesterday use this language "I then said to Dakin 'is this a prudent thing to be talking about the use of money in this way?'"

A. No, sir.

Q. Did Dakin or yourself say to Eaton as he testified yesterday, "You gentlemen don't need to be known in this matter all; you furnish the money to me; or if you don't want to trust me, you can give it to Fellows, and I will attend to the rest of it?" Did Mr. Dakin or yourself say that here in the capitol at the time mentioned?

A. No, sir.

Q. He says: "I said 'what do you propose to do with it; how do you propose to use it,' he said 'well, I am pretty well acquainted with a good many here. Now, there is a large number (I think 34 was the number stated) of Grand Army men here that are members, and I am pretty well acquainted with them, and so is Mr. Fellows.'" Did any conversation of that kind take place on this occasion?

A. No, sir.

Q. Did any of this conversation that I have related take place on that day or any other day in your presence?

A. Not in the capitol building.

Q. Did any portion of this conversation take place anywhere on any occasion?

A. The part of it where it states that he told Mr. Eaton if he had any money to use that he wanted to be used in that way, he could give it to Fellows, that he did not want it——

Q. Where did that take place?

A. That took place down here in the Windsor restaurant.

Q. Who said that to Mr. Eaton

A. Mr. Dakin.

Q. In your presence ?

A. Yes, sir.

Q. Who else was present ?

A. Mr. Crowley.

Q. Who else ?

A. Mr. Crowley, Mr. Eaton, Mr. Dakin and myself.

Q. Did Mr. Dakin or yourself say to Mr. Eaton, as he testified yesterday, "I will go and see any one of them that I deem proper, and talk with him, and if I think I can use some money with him I will make an appointment for him to meet Mr. Fellows?"

A. No, sir.

Q. Did that conversation take place in your presence at any time?

A. No, sir.

Q. "Then I will see Mr. Fellows and Mr. Fellows will give him what I think is proper." Did that conversation take place?

A. No, sir.

Q. Or anything of that import?

A. No, sir.

Q. Did Mr. Eaton ask Mr. Dakin or yourself "Is this customary when a bill is pending here; do members expect to be seen in this way?"

A. No, sir, I did not hear any such conversation.

Q. Did any conversation of this kind take place, as stated by Mr. Eaton: "He said there were a good many of these Grand Army men and there were a good many democrats that were not Grand Army men, and he could not tell until he had canvassed the matter."

A. No, sir, I did not hear that stated.

Q. On any occasion ?

A. No, sir.

Q. "I said 'suppose you name them over and let us see.' " Was there any one named over or did he ask any such question of Mr. Dakin or yourself ?

A. No, sir, not to name over what Grand Army men do you mean ?

Q. Yes.

A. No, sir.

Q. Or anyone else ?

A. He asked Mr. Dakin down there in the restaurant to name over—if I remember right—to name over what members he would like to see.

Q. Is this about all that took place, which you have stated, in the capitol? Have you given the House to understand all the conversation that took place between these gentlemen in the rotunda?

A. Yes, sir, all that I can recollect.

Q. Where did you next see the gentleman ?

A. I next saw him down on the corner of the main street. I don't remember the names of them.

Q. On the corner of Washington Ave. and Michigan Ave ?

A. Yes, sir, on the north-west corner.

Q. Did any conversation take place there ?

A. Yes, sir.

Q. State what conversation took place and who was present.

A. Mr. Eaton, myself and Mr. Dakin were present. Mr. Dakin and I stood there talking and Mr. Eaton came to us and he said "Well, fellows, Shakel-

ton didn't bring you down any money?" I said "No, but he gave me five dollars and he gave Dakin two dollars."

Q. Who was it that said this?

A. I said that to Mr. Eaton.

Q. Where was that?

A. Down on the corner of the street.

Q. Proceed.

A. And I said "When he gets back to-night he will bring me some more enough to bear my expenses while I am here." And he turned around then to Dakin and he said "Then you think you could use some money here with the members in the interest of this charter?" Dakin said, "No, sir; I could not use any money in any other way than in a social way with the members." He said "I don't know of a member of the House that I could approach with money, that I would think of approaching with money."

Q. Who said this?

A. Dakin said this. Eaton said "Well, I have got some money with me, and Little and Crowley are here and I will see them."

Q. Who said he had some money with him?

A. Mr. Eaton, and that he would see them and see if they could not fix the matter up; and he started off up towards the Lansing House and we stood there and talked about three or four minutes I should think, when we saw Crowley across the street on the opposite corner towards the river.

Q. And when this conversation took place, if I understand you correctly, there was no one present except Mr. Eaton, Mr. Dakin and yourself?

A. That was all.

Q. And then after you saw Crowley did he join your party?

A. Dakin and I went across there. Eaton had gone up towards the Lansing house. Crowley went up and shook hands and he began to inquire about the charter, how it looked. We told him we thought it looked favorable. I think that I took out this same list, that same proposition that Eaton had written and showed it to him. He looked at it a minute and we stood there talking.

Q. Was anything said about money at that time to Crowley?

A. Oh, no. Crowley said, "Let's go down and take something. I have not had anything since I struck Lansing." That is the way he spoke, and we started then and went down to the Windsor restaurant and went in to get a drink.

Q. Who were in that party?

A. Mr. Crowley, myself and Mr. Dakin.

Q. Where was Mr. Eaton?

A. I don't know.

Q. Then where did you go?

A. We staid in there and talked for a few minutes; came back again on the corner.

Q. Had a drink apiece in there?

A. Yes, sir.

Q. What did you drink?

A. I drank some whiskey.

Q. What did the other gentlemen drink?

A. Mr. Crowley drank some whiskey and Mr. Dakin drank some wine I believe.

Q. Which way did you go then?

A. Then we came back on the corner and if I remember right we were there two or three minutes before Mr. Eaton came up to us again.

Q. Then when Mr. Eaton came up where did you go?

A. We stood there on the corner, and I think Mr. Eaton stated, if I remember right, to Mr. Crowley, "Dakin thinks he can use a little money here in the interest of our charter," and there was some talk there. I don't remember now. I could not repeat any more of it as I know of. I don't know what was said really any further than that; but I know Mr. Eaton said, "Isn't there some place we can go and sit down and talk this matter over," and Crowley said, "Come on down this way." So we walked along down to the same restaurant that we had just come out of, and they went in, and as they went at the door, I said, "I have got to get some tobacco." So I stepped right into a grocery store, right next to it, and got some tobacco, and when I came back in and got in at the door of the bar room, I did not see anybody. I stood there perhaps half a minute when the bar tender came out from the back room and he said, "I guess your friends are in the stall right in here." I said, "Yes," and walked through, and when I went in there, they had had drinks called on; liquor was sitting on the table.

Q. What drinks had they called on?

A. There was whiskey left for me any way—(Laughter.)

Q. What drinks were down by the other gentlemen, do you know?

A. I think that Mr. Eaton and Mr. Crowley drank whiskey, and I think Mr. Dakin drank wine on that occasion.

Q. How long do you think they had been in this stall before you came up and discovered them there?

A. They could not have been in there more than a minute or two, because I was not gone more than two minutes I think.

Q. What took place—and I want you to think carefully about it so as to state everything that took place while you were present in this stall—what took place between those gentlemen?

A. I think Mr. Eaton sat down and said "Now let us see how we can fix this matter up," and I think he inquired if anybody had a roll call there. Finally he said "I have got one myself," and put his hand in his pocket and took out a House roll call and shoved it over to Dakin. "Now," he said, "those members that you think you would like to see, just check them off there will you, so that we will have an idea about how many there are." Dakin took the pencil and looked at the paper. He said "This has been checked off," and Eaton said "Then check them off on the other side." So Dakin checked them off on the other side.

Q. This roll call was produced how long after you had been in this room?

A. I don't think we had been in there over three or four minutes, five minutes perhaps.

Q. Go on and state what took place after that please?

A. Mr. Dakin took it then and looked it over, counted them up, and as I remembered it and as I stated before the committee, I believe, there were seventeen of them; but I have learned since that I was mistaken, there were only fifteen checked off. Then Mr. Eaton handed it back to him again and said, "Now just set down the amounts that you would like to—that you think would be necessary." Mr. Dakin set down some figures. I did not know what they were; did not take the roll call in my hand and I was not in a position where I could see, but I know he handed it back to Mr. Eaton and Mr.

Eaton read over the names and the amounts and figured it up, and I think it amounted to \$125.

Q. Who figured it up?

A. Mr. Eaton.

Q. And did he announce that it amounted to \$125?

A. Yes, sir.

Q. Please proceed now and give us all that took place on that occasion.

A. I think he called over Mr. Rumsey's name, said "\$25."

Q. Who said that?

A. Mr. Eaton, I think; and Mr. Crowley I know made a laughing remark "What, Rumsey down for \$25!" He said "Yes." Crowley said "Well, he is a cheap man for that," or something of that sort; made some remark in that way. I could not state positively what it was. (Laughter.)

Q. Who made this remark?

A. Mr. Crowley.

Q. What else took place?

A. I think that is about all of the conversation, only I think Mr. Dakin said that he wished that Gov. D. H. Jerome was down here. I spoke up and I said "Yes, I wish he was, for there are lots of members here that he could explain this matter to that you and I cannot. There is nobody unless it would be a few Grand Army men that I could get acquainted with and talk it over with, that I could lay this matter before and make any impression upon their minds," or something to that effect. Those are about the words, perhaps not the exact words. That is all I can remember. Mr. Dakin said, "Now if you have any money to use give it to Fellows." That is about all I can remember of the conversation now that I can bring to mind that was said in there. I think that Eaton—in fact I am sure he did—asked Dakin what he intended to do with that money, how he intended to use it, and Dakin said, "Why, in a social way of course."

Q. What else was said with reference to the disposition that should be made with the money, if anything?

A. I don't think of anything more there.

Q. Did you hear Mr. Eaton's testimony with reference to what was said about Grand Army men, or "G. A. R." men?

A. Mr. Dakin did not say anything about Grand Army men there. All there was said there was what I said as I have stated.

Q. What if anything was there said about giving a party at the Eichle house?

A. Nothing at that time.

Q. At any other time?

A. When we went over there somebody said it was about dinner time, we had better go and eat dinner, and we went out of there and Mr. Crowley and myself and Dakin went down to the Eichle House, and Mr. Dakin went through into the back room and I followed him right in there and I says, "Dakin, what's the matter with you? Are you drunk or crazy?" He said, "Why?" I says, "What made you go and check off those names and set down those figures?" He says, "I don't know why." I says, "Now, that man may make you some trouble about that." He says, "I guess not." I says, "I hope he won't, but you have left it open where he has got a good opportunity if he sees fit." He says, "No, I don't feel any alarmed about it." So we went down to dinner, and after we came up we sat down there in the room. Perhaps we had sat there five or ten minutes and Mr. Dakin spoke, "What

kind of a scheme would it be if they give you any money to have a party here to the Eichle House?" I says, "Here?" He says, "Yes, we can clear out the dining-room, and it is a splendid place to dance and we will have a good old time."

Q. Did he say to you at that time that there had been any legislative parties there—that members had congregated there and held parties?

A. No, sir; I don't think he did; I don't remember it if he did. I merely said, I didn't know but what it would be a good idea, and if there was any money came to me, if he was a mind to invite the crowd there I would pay the bills as far as the money went.

Q. Let me call your attention to Mr. Eaton's testimony regarding what he said about furnishing the money. Did he give Mr. Dakin and yourself to understand that it was possible that he himself might furnish this money?

A. Yes, sir.

Q. Aside from the time you have mentioned?

A. Yes; we talked it over, and he said that he intended to furnish us some money to spend in that way.

Q. In what way?

A. In a social way in entertaining the members of the House.

Q. Did you hear Mr. Eaton testify yesterday that Mr. Dakin said Mr. Shackleton had come down here and he was expected to bring some money to put this bill through the House, but he didn't bring any except seven dollars "And he gave that to us and we have used it, but it didn't amount to anything, and he has gone back to Saginaw to get some more money?"

A. No, sir, that was not said in my presence.

Q. In your conversation in Mr. Dakin's presence that morning was anything said about any money being furnished for the purpose of corrupting or using with or paying to any members of the Legislature?

A. No, sir.

Q. Are you pretty positive about that?

A. I am positive about that; there was nothing said in my presence.

Q. What did Mr. Eaton do when Mr. Dakin hesitated, as Mr. Eaton testified yesterday, about putting any marks opposite the names of the members?

A. I don't know that he done anything any more than he asked him to put the figures down there merely to foot up about what amount he thought would be necessary to use.

Q. Please state for the benefit of the House what position they were in? Was Mr. Eaton standing over Mr. Dakin as I am over Mr. Bates, or were they sitting down by a table with their heads together?

A. They were sitting the same as one of them here and the other around on the opposite corner of the table.

Q. Did Mr. Eaton act in any way surprised or startled because of the conversation there, or in his manners?

A. Not that I noticed.

Q. You heard Mr. Eaton state yesterday in answer to the question as I read the second name that read Mr. Allen, he said "There is a man I want to see?"

A. No, sir; there was not such a remark made that I heard.

Q. Was there any intimation or insinuation that Mr. Rumsey or any one of the 15 men named could be corrupted or prejudiced in any way with money?

A. No, sir.

Q. Did Mr. Dakin in your presence and in the presence of Mr. Eaton on the

occasion I have referred to here repeatedly disclaim that any money could be used in a corrupt way?

A. Yes, sir.

Q. Or used with members direct?

A. Yes. I heard him make that observation three or four different times.

Q. Did Mr. Dakin state to Mr. Eaton that it was common to have parties or gatherings and use money here in Lansing through the Legislature in a social way?

A. No, sir; I don't remember that he said that. He might have.

Q. Was there anything of that import?

A. I don't recall it to mind now if he did.

Q. You wanted money to use, you say, in a social way. From whom did you get the idea that money could be used in a social way?

By Mr. Conductor Diekema—That is objected to. We are not here to investigate the sources of this gentleman's ideas.

Mr. Dodge—It seems to me that that is very proper. The gentleman has been accused of getting money here to use socially with members and we want to show what his motive was, where he got the idea that money could be used, and legitimately too, in that way. I do not know but that the idea originated with himself. In justice to the witness it seems to me that he ought to be permitted to make that statement. I have no knowledge as to what he will testify upon that subject. It certainly is a matter of information for the members of this House, they ought to know all there is about this and not have anything concealed from them by a technicality, but let everything be opened up so that every member may understand the motive of this man. If Mr. Fellows was down here with any design and purpose in his mind, or came here and originated a scheme for the first time of prejudicing members in a social way we would like to know it. If Mr. Fellows understood from somebody else that it would be proper, and right, and legitimate to use money for social purposes, we want to know it.

Mr. Conductor Diekema—We are certainly desirous that every bit of information relative to the questions at issue shall come before this House. We are not trying this witness. There are no accusations whatever against the witness. We are trying Mr. Dakin under certain accusations and this testimony is entirely incompetent and immaterial.

Mr. Dodge—I submit that the testimony in this case has disclosed some very unpleasant things for Mr. Dakin and the rest of these gentlemen. Certainly when a witness upon the stand Mr. Crowley said that he believed this money was to be gathered for the purpose of putting it down in Mr. Fellows' and Mr. Dakin's pocket. I think the members ought to understand whether Mr. Fellows had any such intention or not.

The Speaker—We will let the witness answer.

A. I cannot say that I ever heard any such intimation, Mr. Dakin and I talked it over among ourselves.

Q. Do you know whether or not it is true that money is frequently used in a social way, and cigars given to members of the Legislature in a social way?

A. I understand so; I do not know it to be true.

Q. Have you ever been in any of the committee rooms, either in the House or Senate, and had your attention called by the way of a poster or card that in order to get legislation through a few cigars would be acceptable, or something of that import?

A. Yes, I have.

Q. State what there is about that?

A. This is all I know about it. I have seen in one or two rooms here something of the kind.

Q. What rooms were they that you saw these cards in ?

A. I could not tell you, some of the rooms up stairs.

Q. What committee used those rooms ?

A. I don't know.

Q. How did you happen to be in those rooms ?

A. I was called up stairs ; I think that they were to have an investigation there, or something of that kind, I forget now.

Q. You say you saw a card in one of the committee rooms?

A. Yes, sir.

Q. What did the card read as well as you can remember?

A. I think one read "We smoke" or something of that kind. I didn't pay much attention to it.

Q. Did it say anything about "Up goes your bill?"

A. Yes, I think it did.

Q. Up goes your bill if what?

A. I didn't pay much attention to it; I don't remember.

Q. You supposed it was put up there for some facetious purpose. Did you have any idea about it?

A. I thought it was a kind of a way of getting a cigar once in awhile.

Q. Have you ever seen that kind of a card in any of the other committee rooms?

A. No, sir, not that I ever noticed.

Q. Have you ever seen any over in the Senate?

A. No, sir, I never was in but one committee room in the world.

Q. Is it not currently reported generally around the capitol here that cigars are given to the members and they are treated socially by parties that are interested in legislation; and have you not heard of the meetings of the Third House, where oranges and cigars were given away, and things of that kind generally by persons that claim to belong to what is called the Third House?

A. I cannot say that I have.

Q. I ask you now if you do not know from general report about the Speaker of the Third House, and about their meeting there and about their assessing men that are here in the interest of legislation?

Mr. Conductor Herrington—We have nothing to do with the Third House, and we object to that.

The Speaker—The gentleman better confine his questions to the Legislature proper.

Mr. Manley—I would like to ask the attorney the question if he is not a member of the Third House.

Mr. Dodge—I am not. Ex officio, as people say, perhaps I am; I have been a member of that house, but I am not one at the present time.

It is not for the purpose of jest or laughter, but simply for the purpose of showing that these men get this idea, coming as they do in the interest of legislation, that money can be expended in those social ways for the purpose of entertainment and for such purposes as are regarded as perfectly legitimate, and for aught I know are legitimate.

The Speaker—The chair is of the opinion that it would be better to confine it to transactions with members of the Legislature proper.

Q. It is suggested that I ask you if there is a card in the room of the com

mittee on municipal corporations, before whom the Saginaw charter was to be argued, with reference to the giving of cigars; a card referring to the giving of cigars?

Mr. Conductor Herrington—I object to that, as the card is the best evidence.

Mr. Dodge—We simply want to know where it is. We do not want the wording of it.

Mr. Herrington—I submit if there is any such card they could produce it.

Mr. Dodge—I submit that is another caprice objection. I simply want to know if there is a card there. I do not ask for the contents of the card.

The Speaker—Omit that part of the question.

Q. Was there a card in the committee room on municipal corporations, before whom the Saginaw charter was to be argued, hanging up in the room.

A. I could not say, I did not notice.

Q. You don't know what room this was in that you saw this card?

A. I do not. I saw a card somewhere, in some committee room or in the hall, some place up there. I do not know where it was.

Q. You say you have known Mr. Dakin for eight years?

A. About eight years.

Q. During your term of office as councilman did the nomination of Mr. Eaton, the complaining witness, come before your body for confirmation as city attorney of Saginaw City?

A. Yes, sir, it did.

Q. What was done with the nomination by that body?

Mr. Conductor Herrington—We object to that. The purpose of this must be to impeach and it is upon an immaterial point, and the rule is well settled that you cannot impeach a witness upon an immaterial point.

Mr. Dodge—We do not have any intention of that kind in view. We simply want to know something about the relationship between Mr. Fellows and Mr. Eaton, and we simply want to know whether or not he was actuated to do what he has done in this matter because of the fact that he was rejected by the common council of Saginaw for the position of city attorney. It already appears in evidence from the lips of Mr. Eaton that he was rejected by that body, and now I submit that we have a right to show by Mr. Fellows that he himself voted against the confirmation of Mr. Eaton as city attorney. Certainly it can do no harm. Mr. Eaton testified to that fact.

Mr. Conductor Herrington—Then I object to it as repetition.

Mr. Dodge—We do not know whether we have got the truth about it, and we would like to have Mr. Fellows' testimony.

Mr. Conductor Herrington—It is either impeachment or repetition, and it is incompetent in either case. You say he has already testified to it. If it is in once it is repetition. If he told an untruth then you are trying to impeach him and you cannot impeach him upon an immaterial point.

The Speaker—I think we will not take this answer.

Q. Have you ever at any time heard Mr. Dakin suggest, either on the 18th, 19th or 20th of April, or indeed at any other time, that any one of the members of the Michigan Legislature of this session could be approached in an illegitimate or corrupt and improper way?

A. No, sir, I never have.

Q. Have you ever heard him say anything about the impossibility of any of them being approachable with money. I mean by that have you ever heard him

say that he did not believe, and felt very positive that none of them could be approached improperly?

A. Yes, sir, I have.

Q. How many times have you heard him state that?

A. At least three times.

Q. Whereabouts was he?

A. I heard him state it here in the capitol. I heard him state it on the corner and also on one other occasion. I don't know that he stated it so positively in there, but he said only in a social way. Mr. Eaton asked him how he intended to spend that money, and he said in a social way.

Q. I think I understood you to say that you came down here at the special solicitation of Mayor Shackelton and the Recorder?

A. No, sir, I came at the special solicitation of the mayor.

Q. You were in the army, were you not?

A. Yes, sir.

Q. And you are a member of one of the organizations.

A. Yes, sir.

Q. What organization?

A. The Grand Army of the Republic.

Q. Was there anything said about your coming up here for the reason that you might be able to see members of the G. A. R.?

A. It was spoken of that probably I might see some of the Grand Army men. I told them I was not acquainted with any of the Legislature and they had better send some one else. They said, "You are a Grand Army man, there are quite a number of Grand Army men there, and there are perhaps some of them that you can talk with better than anybody else."

Q. Was there any understanding with Dakin, or did you have any understanding with yourself or thought that you would get money and convert it to your own use, as has been intimated by the witnesses here on the stand?

A. No, sir, we never did.

Q. During your acquaintance with Mr. Dakin have you ever discovered that he was a man of any bad habits or vices?

A. No, sir.

Q. What have you to say in regard to his conduct and deportment at home, and his general reputation for honesty?

A. I consider he has a good reputation at home.

Q. Did you ever hear breathed or insinuated the first word derogatory of Mr. Dakin until this matter occurred?

A. No, sir, I never did.

Q. I am requested to ask by a member, did you hear anything about Mr. Dakin acting improperly in connection with the first charter bill for Saginaw City?

A. I heard it intimated. I don't know that I could name the person. I talked more with Mr. Dickson, our controller, about that than any one else that I can think of. He thought he had done a wrong thing.

Q. State what there is about it?

A. It appears that there was a committee appointed to revise and amend the charter of the city of Saginaw, and I think Mr. Eaton, Mr. Dickson, Mr. Rust and Mr. Shackelton were that committee, and they drew up a charter, or amendments to a charter, and the amendments were almost a new charter, and gave it to Mr. Dakin to present to the House. In place of presenting

that he presented what they called the labor man's charter, gotten up by the labor party.

Q. Which charter did Mr. Dakin favor ?

A. The labor charter.

Q. Which charter did you favor ?

A. The charter that the council had submitted.

Q. You and Mr. Dakin did not agree as to which charter should be passed by the Legislature ?

A. I want to tell you how I felt about the matter.

Q. Please do so.

A. There were some amendments.

Mr. Conductor Herrington—I object to that. What difference does it make in the trial of Mr. Dakin what this man thought about a certain charter ?

Mr. Dodge—This question was asked at the suggestion of one of this party. I asked him about the report circulated with reference to Dakin's actions here and now we want the witness to state in answer to that question not only what he understands but the whole transaction. It is proper, and I think the members of the House generally want it.

The Speaker—The objection is overruled.

A. I did favor some amendments being attached to the charter that was gotten up by the mayor and controller and city attorney and committee, but it was not attached ; and it was the unanimous vote of the council to adopt the other charter and I thought Mr. Dakin did wrong in not presenting the charter that was adopted by the council.

Q. That is all you to desire say ?

A. Yes, sir.

Q. When you were elected to the city council of Saginaw City, by what party were you elected ?

A. By the republican party.

Q. You are a member of that party in good standing ?

A. No, sir.

Q. Of what party are you a member ?

A. I ran for the same office on the union labor ticket and was defeated.

Q. You are a republican Knight of Labor, is that correct ?

A. That is about it.

The Speaker—Some questions have been sent to the desk : Did you use any of the \$30 you claim to have spent, with any of the members of the House, and if so, what were their names ?

A. I did not spend it with any of them that I know of.

Q. What do you mean by spending money with the members of the House in a social way ?

A. I mean that Mr. Dakin talked of having a party and inviting some of the members down there and having a social time in that way. That was his idea of it.

Q. Were you in hearing distance of Mr. Eaton and Mr. Dakin during their whole conversation on the 19th of this month in the rotunda of the capitol ?

A. Yes, sir, I was.

Q. Might not Mr. Dakin and Mr. Eaton have held a consultation at that time and you not hear what they were talking about ?

A. They did not. We were all talking together. I stood there listening.

Mr. Dodge—I wish to call the attention of the witness to one answer that he made. Did you mean that you were a Knight of Labor ?

A. No, I meant the Labor Union party.

Q. You are not a member of the Knight of Labor organization ?

A. No, sir.

The Speaker—This question is asked: Are you sure that you talked with any other member of the House about the Saginaw charter than those you have named, Mr. Bates, Mr. Oviatt, Snow and McGregor ?

A. Mr. Linton also. I think that is about all of them, and Mr. Green.

By Mr. Dodge :

Q. You say you appeared before this committee and made a full statement of what you expected to testify to here on this occasion ?

A. No, sir.

Q. Did you make a statement in answer to their questions substantially as you have testified here on the stand, so far as they interrogated you upon those points ?

A. Yes, sir, I think I have as near as I can remember now.

Q. That committee that I refer to is the one conducting the transaction in this case, is it not ?

A. Yes, sir.

Q. Did they say anything to you about their wanting you to remain in here as a witness, or that they did not want your testimony or anything to that effect ?

A. I think they did say they wanted me to remain here as a witness, to be here at ten o'clock the next morning.

Q. Which one of the members ?

A. I think it was the gentleman who stands up there now—(Mr. Diekema)—I cannot call him by name ; I think he told me that if I remember right.

CROSS-EXAMINATION BY MR. DIEKEMA.

Q. Before whom did you first appear, or did you first give a statement of this whole affair ?

A. I first gave it to Mr. Dodge.

Q. At what time ?

A. I am sure it was the next day after the exposure here in the House.

Q. About what time ?

A. I cannot remember, but I think it was in the forenoon sometime.

Q. Did you give a full statement of all this at the time ?

A. No, sir ; about the same as I did before the committee.

Q. Was that before you appeared before the committee ?

A. Yes, sir.

Q. Who asked you to go up to Mr. Dodge's office ?

A. I think Mr. Dakin wanted I should go up.

Q. Is this the first time you went to Dodge's office on this business ?

A. No, sir ; I think I was up there the night before in Dodge's office.

Q. Was that the same night that the exposition took place in the house ?

A. I think it was.

Q. Who asked you to go up ?

A. Mr. Dakin.

Q. Did you see any of the attorneys before you made a statement to this committee about this matter.

A. Yes, sir, I saw Mr. Holden,

Q. Where ?

A. I saw him here first.

Q. Made a statement to him?

A. No, sir, I did not.

Q. When did you first make a statement to him?

A. I never did.

Q. Did you ever talk with him upon this subject?

A. I have talked with him some but he did not make any statement.

Q. At what time did you first talk with him about it?

A. I don't remember whether I talked with him any about this matter when he was out here. I cannot remember that I did. I know you spoke about that in the Committee and I have tried to think about it since.

Q. Did you talk to him in Saginaw about this matter?

A. Yes, sir, we talked some about it.

Q. What time?

A. It was on Sunday.

Q. Did you go up to see him before Sunday to his office?

A. Mr. Dakin requested me to see Mr. Holden and have him to be sure and appear here Monday morning. I told him I would do so, and I went up to his office and he was busy and he wanted to know if I could not come over to his office in East Saginaw the next day, and I told him I would.

Q. That was on Sunday?

A. This was Saturday I saw him in his office at Saginaw City.

Q. Did you go to see him on Sunday?

A. I did.

Q. At what time?

A. I think I got over there about half past ten if I remember right.

Q. How long did you stay there?

A. I staid about an hour and a half.

Q. Did you talk over this subject?

A. We talked on this subject some.

Q. That was all before you saw the committee?

A. Yes, sir,

Q. What time did you first come to Lansing about this charter business?

A. It was in the month of March; I can't remember what date it was.

Q. How often have you been here in all?

A. I have been here three times in all.

Q. Does that include this time?

A. That includes the time I was here last week.

Q. This is the fourth time?

A. Yes, sir.

Q. At whose request did you come the first time?

A. I was appointed by the council as one of the committee.

Q. Did you appear before the committee here in the House?

A. No, sir, it was the time that the bill was in the Senate committee and I came down a day ahead of the time.

Q. What bill was that in the Senate committee?

A. The labor charter as they call it.

Q. In the interest of what bill did you come here?

A. I came in the interest of the Saginaw City charter.

Q. Was that the charter in the Senate that day?

A. No, sir.

Q. So you came in the interest of the original bill as prepared?

A. I had talked with Mr. Dickson and he advised me to advise Dakin—to see if I could not advise him—to get that bill back, to let the other one be presented, and not to try to fight it.

Q. You came here, then, in order to have that substitute bill withdrawn, did you?

A. Yes, sir.

Q. Was there any committee meeting in the House at that time?

A. Not that I know of.

Q. When did you next come here?

A. If I remember right it was about a week after that.

Q. Who requested you to come at that time?

A. Mr. Dickson.

Q. What office did he have there?

A. He was city controller.

Q. How long did you stay here the first time?

A. I think I was here three days.

Q. How long did you stay here the second time?

A. I think the second time I was only here two days. I would not be positive how long I did stay either time.

Q. On what day did you come the first time?

A. I think I came on Monday the first time.

Q. What time on Monday?

A. Well, I think it was on the evening train.

Q. What day did you return?

A. I think I went home Friday.

Q. That would be more than three days, would it not?

A. Yes, sir, but I say I am not positive whether I am stating that correctly or not, because I don't remember just how many days I was here or what day it was when I went home.

Q. Will you be positive it was not Wednesday you went home?

A. No, I could not be positive. I think though that I staid three days.

Q. Will you swear positively that it was not on Tuesday you went home?

A. Yes sir, I could, I think.

Q. You will not swear positively that it was not on Wednesday?

A. No, sir, I will not.

Q. At what time did you go home on the day you did go home.

A. I think I went home on the evening train from here.

Q. Who was with you the first time you came from Saginaw on this business?

A. There was not nobody came out only myself. I came out a day ahead of the rest of the committee.

Q. Who returned with you?

A. I think the whole committee went back.

Q. Who were they?

A. That is all those that were down here. I think Mayor Hill was here, and Mr. Shaekelton and Mr. Caddington, Mr. Hudson and I think Mr. Auston. I can't remember all of them. I know there were quite a number down.

Q. Did they return with you?

A. I would not like to state whether we all returned together or not. I cannot be positive.

Q. You don't remember whether you went home alone or with the other members of the committee?

A. I know I went home with some of them but I could not state which ones;

I didn't pay any attention, and I don't remember about that. I know I was down here and went back again.

Q. Did you speak to any of the members of the House, at that time, about this bill?

A. At that time ?

Q. Yes, on your first visit.

A. I don't remember that I did.

Q. Would you remember if you did speak to them about it ?

A. I think I should.

Q. So your best recollection is that you spoke to no member of the House except to Mr. Dakin about this bill at that time?

A. I don't remember that I did.

Q. Did you become acquainted with any of the members of the House at that time?

A. Not what you might call acquainted. Mr. Dakin introduced me to quite a number of the members, but I don't remember their names, and don't remember now who they were.

Q. Did you have any social time with any of the members during your first visit?

A. No, sir. I did not.

Q. Not any?

A. No, sir, Not that I know of.

Q. Did not spend a cent of money with any of them?

A. No, sir. Not that I know of.

Q. What day did you come down here the second time you visited Lansing?

A. I could not state either what day I came down the second time.

Q. About how long after your first visit?

A. As I stated, as nearly as I can remember now, I could not remember positively. I think it was about a week after my first visit.

Q. How long did you stay?

A. I think I stayed two or three days that time.

Q. Where did you stop over night during your first stay in Lansing?

A. At the Eichle House.

Q. Where did you stop the second time?

A. At the Eichel House.

Q. With whom did you room there?

A. I think I roomed with Mr. Dakin every night that I have been here, excepting one.

Q. Did you speak to any member of the House about this Saginaw charter bill the second time you came?

A. Yes, sir, I think I did. I think I talked with Mr. McGregor.

Q. What did you say to Mr. McGregor about the bill?

Mr. Dodge—If the Speaker please, I object to going into the details of what Mr. Fellows said to these several members. It is quite impossible, I should say, for the witness to remember, and certainly it is very unfair for my brother to insist on giving the conversation with the several members. If he had conversations with them, that certainly is enough it seems to me, at least it ought to be if it is material at all.

Mr. Conductor Diekema—Almost every one of these members whose names have been mentioned here have requested me to ask the question as to what the conversation was, and I hope the question will be allowed.

The Speaker.—The witness will answer the question.

A. I could not say what I did state.

Q. Did you urge him to pass this bill; talk to him in any way about his helping you with reference to this bill?

A. I think I talked with Mr. Oviatt that time.

Q. Mr. McGregor first?

A. I don't remember what I did say to him about it.

Q. What did you say to Mr. Oviatt?

A. I talked to him something in regard to the amendments that some of them wanted to put on, asked him what he thought about it and so on.

Q. That was at your second visit?

A. Yes, sir; I think it was.

Q. Where did you have this conversation with Mr. Oviatt?

A. In the hall here.

Q. Did you give Mr. Oviatt anything, a cigar or anything of that kind.

A. No, sir.

Q. With whom else did you have a conversation?

A. I think those are all the members of the Legislature that I talked with while I was down here.

Q. Mr. McGregor and Mr. Oviatt were the only men you talked to?

A. I think they were. I don't remember talking with any of the other members. I don't recollect it now.

Q. Did you have any conversation with Mr. Snow about this matter?

A. I don't think I ever spoke to Mr. Snow about the charter at all, until the last time I was down here, and then just merely asked him what he thought about it.

Q. What did you say to Mr. Snow about it?

A. As I said I just merely asked him what he thought the prospects would be of getting it through.

Q. Where was that?

A. That was here in the House.

Q. Did you spend any money with Mr. Snow?

A. No, sir, I did not.

Q. Did the council pay you for these two trips?

A. Yes, sir, they paid me \$15 for the two trips.

Q. And what time did you get the money?

A. I got it I think the first meeting in April, if I remember right.

Q. What day was the first meeting in April as nearly as you can recollect? Was it during the first week in April?

A. I think it was about the fourth or fifth of April, somewhere along there.

Q. What was that fifteen dollars for?

A. Our railroad fare and hotel bill.

Q. Didn't you state upon your direct examination that you had already spent thirty dollars before that time of your money?

A. I said that I had spent thirty dollars of my own money that I never got back on those two trips that I was down here.

Q. You expected the council to pay you for your expenses, did you not?

A. At that time?

Q. To pay you for your expenses when you came here?

A. My regular expenses, yes sir, my hotel bill and car fare. That is all I expected, all I put in a bill for.

Q. Did you ever spend a cent of money in the presence of any of the members of this House while in Lansing ?

A. Not that I know of.

Q. Was this whole thirty dollars for your private expenditures during the first two visits and outside of any of the members of the House of Representatives ?

A. So far as I know, it was outside of any member of the House?

Q. Will you tell this House how you happened to spend thirty dollars outside of your board bill and your railroad fare?

Mr. Dodge—That is objected to.

The Speaker—The witness will answer the question.

A. I spent it around for cigars and such like as that.

Q. Do you mean to say you spent thirty dollars for cigars?

A. No, not entirely, for drinks and such like.

Q. Drinks with whom?

A. I don't know as I can tell whom.

Q. Did you get drunk while here in Lansing?

A. I did not.

Mr. Dodge—I object not only to that question but to the insult offered to the witness. If the Speaker will have noticed the questions put by counsel, he will agree with me, I think, that his manner is very unkind to say the least. For instance, has asked the witness “Do you solemnly swear upon your oath.” or on a number of occasions asked him “if this was upon his oath,” or something to that effect; has wanted to know when he has made a statement on several occasions if that was especially upon his oath. He has asked him “Do you swear upon your oath so and so.” Now he asks the witness if he spent this money getting drunk. If he spent this money outside the members of the Legislature, I submit that how he spent it is not any concern of the Legislature.

The Speaker—What is the question?

The official stenographer read the question as follow: “Did you get drunk while here in Lansing?”

The Speaker—The chair thinks it hardly necessary to ask that question.

Q. I understand, then, Mr. witness, that the whole of that thirty dollars was spent on your first two visits here in Lansing outside of regular expenditures.

A. That is what I claim; yes, sir.

Q. Did you spend any more than thirty dollars?

A. No; it was about thirty dollars that I spent.

Q. Did you not spend a part of it playing pedro with Mr. Dakin?

Mr. Dodge—That is objected to.

Mr. Speaker: Whether the question is asked in good faith, I know not; but if so, he had a right to spend the money in his own way, and it is not material to this issue, if the money was spent outside of members of the Legislature.

Mr. Conductor Diekema—I desire now to answer the general proposition of the attorney upon the other side. He has accused me of asking the witness, “Do you solemnly swear?” I myself consider an oath a very solemn thing, and I desire to so impress it upon the witness. This question goes to show the general character of the witness as to his habits while here in Lansing, and it is proper that the members of this House, before whom this wit-

ness appears, shall know how to make up their minds as to the honesty of his statements. I insist that it is proper.

Mr. Dodge—I would like to ask counsel if he regards it as making the oath any more binding to ask these questions in the way that he does?

The Speaker—the witness will answer the question.

A. What is the question?

The official stenographer read the question as follows:

“Did you not spend a part of it playing pedro with Mr. Dakin?”

A. I spent some of it that way.

Q. Where?

A. At the Eichle House, most of it.

Q. Where did you spend the most of this money while in Lansing?

Mr. Van Zile—I object to that question. It seems to me that my friends upon the other side will hardly press that kind of a question. I fear my friends are forgetting what the issue is here. We started in here to investigate something about these charges that were made against Mr. Dakin. We are now trying to find out what this gentleman, who is not a member of this House, spent as a private citizen.

Before they have finished up they will not be satisfied with finding out what he did in Lansing, but I expect the next thing we will hear from Saginaw as to what this gentleman has spent there with some of his friends. Can it be possible that we are to recognize the fact that these gentlemen have sat here and solemnly passed some rules, among which is rule 6, that we shall proceed according to the rules of evidence in courts of justice, and yet have such questions as that put to a witness as to what he has spent outside of the members of this House. I submit that it could not be proper unless it was something spent here with reference to the corruption of the members in regard to this bill. My brother wants to go outside. He wants to bring in something about what this gentleman has done among the citizens of Lansing or the friends he had met here. I say that is preposterous to ask that question. It is entirely outside of the rules of evidence. Let us be confined by the very plainly written laws of evidence, and ask the witness questions that pertain to the case.

One word further if I may be borne with. My brother says he wants to prove the character of this witness. How? By proving that he spent money with some men that he met in Lansing, who perhaps came from the city of Detroit, and spent it in a way that my friend here would not approve of. By that means he expects to break down the character of this witness. There are ways laid down for the impeachment of a witness, but this is not one of them. It is not the proper thing. It is a very improper thing to go into the private affairs of a witness, even if he is upon the stand testifying and council is cross-examining him. There is not any issue to which this question is material, and so I say that the objection ought to be sustained.

Mr. Conductor Diekema—One of the charges here, Mr. Speaker, is that money was endeavored to be obtained ostensibly for the purpose of using it among the members, but really to appropriate it to private use. We propose to show here that this gentleman spent no thirty dollars over and above his regular expenses here in Lansing. That is what we are now after. One of his statements on direct examination is this, that he did spend thirty dollars over and above the fifteen dollars he said he was paid by the common council of Saginaw, making forty-five dollars while here in Lansing, and we don't believe a word of it, and will endeavor to prove our statements.

Mr. Dodge—Who was the charge preferred against?

Judge VanZile—There is no charge here that the private property or money that belongs to this witness was ostensibly gotten and converted to his own use. It is the moneys that they proposed to get from some other parties in Saginaw. Now he is talking about \$30 of this witness' own money that they spent, and he wants to know "How did you spend your own money, \$30 of it," not what he got from the citizens of Saginaw. That is not the question here at all. More than that, there is not a syllable of proof in this case thus far that the citizens of Saginaw ever supplied these gentlemen with one cent of money, except the money that was left here by the mayor just as he was leaving town, when this gentleman told him he was out of money. Outside of that there is not a syllable of proof in this case.

The gentlemen have not asked the witness, so far as I now recollect, whether or not there was any pool made up in Saginaw and given to this gentleman. It is not in proof. It is not charged in the charges here. It is the private money or purse of the witness there that they are undertaking to get an account of as to how he spent it and who he spent it with.

The Speaker—Would it in any way affect the credibility of this witness if it would be proven that he did not spend \$30 here?

Judge Van Zile—This is the rule that must always govern in the admission of proof. No matter whether it affects his credibility or not, you can ask him no question in a court of law except it be a question that is relevant to the issue. If there is any question that is relevant to this issue that can be asked in any way to affect his reputation and character, ask it.

You can only go outside of that by proving that he made different statements out of court from what he made in court, and then you must ask him with reference to statements out of court, that if made in court would be relevant to the issue, and one other thing is his reputation among neighbors for truth and veracity. Outside of those there is no other. If it were otherwise we could go over the whole domain of all the gossip that ever comes to curse a town.

Mr. Conductor Deikema—If the gentleman will bear in mind that this is cross-examination he will certainly recognize this fact, that it is our privilege to sift every statement made by this witness upon his direct examination. One of those statements was that he had spent \$30 here in Lansing over and above all other expenditures, and that \$15 of this had been paid back to him by the city of Saginaw, and I am now here to test the truth of this statement.

Judge Van Zile—Will the gentleman allow me to ask him a question?

Mr. Conductor Diekema—No, sir.

Judge Van Zile—If the gentleman will not permit me to ask him the question, I would like to have him state, upon his reputation as a lawyer, if upon cross-examination he can go outside of this rule, and ask questions that are not relevant to the issue. If he has permitted us to ask questions that are irrelevant to the issue upon the direct examination, we are not to blame for it. He should have objected and had them stricken out. If we have gone outside of the issue then he must be content with it, for he is here to watch and see that we keep within the issue. If the subject is not relevant to the issue it is no more proper from cross-examination than upon the direct.

That is the rule of evidence and there is no question about it.

Mr. Conductor Deikema—The rule of evidence is very clear, and we have a complete right so sift anything that the gentlemen have seen fit to bring out in the direct examination. He may now be sorry for having brought it out, but after it has once been brought out we have a complete right to sift it.

The Speaker—Let the witness answer the question.

A. I spent the most of it at the Eichele house that I did in any one place I believe.

Q. During what time, your first or second visit?

A. My first and second visit I was spending money there all the time, that is, evenings, and through the day sometimes; there and other places.

Q. Did you spend the greater part of it playing pedro with Mr. Dakin?

A. Not the greater part of it. I played pedro with others a great deal. I played with him some.

Q. For money?

A. No, sir.

Q. Just explain how you spent it?

A. Well, spent it as I told you for drinks and cigars and with some of the boys that was down here from Saginaw and some strangers here that I didn't know.

Q. Then you cannot answer now that this whole \$30 went for cigars and liquor.

A. The most of it did, yes.

Q. Where did the rest of it go?

A. I cannot say that any of it went for any other purpose.

Q. Do I understand you now to answer that all of the \$30 went for cigars and liquor?

A. Yes, sir.

Q. Was Mr. Dakin present all this time when you were spending this money for cigars and liquor?

A. No, sir, there was some of us, some of the delegation from Saginaw here when he was in the House.

Q. At what house did you register when you came here?

A. At the Eichel house.

Q. Did you register immediately upon your arrival here in Lansing?

A. I don't remember whether I did or not.

Q. When you arrived here the first time at what time did you register?

A. I don't know whether I registered at all or not the first time, but I think I did. I think the night I got here I didn't register, and I think the next morning Mr. Dakin spoke and says: "Come up here and register, why don't you." I was staying with him and I never thought of it.

Q. At what time did you come here on the third visit to Lansing?

A. I came here on the 3rd day of April?

Q. Do you remember what day of the week it was?

A. It was on Monday.

Q. Who sent you there?

A. Mayor Shackelton came to me first.

Q. On what day did he come to you?

A. On Sunday.

Q. What did he ask you to do?

A. He asked me to come down here to Lansing with Mr. Dakin and do what I could in the interest of the charter.

Q. Did Mr. Dakin ask you to come down?

A. As the mayor said to me, it was Mr. Dakin that requested that I should come down, Governor Jerome and himself and myself and the mayor.

Q. Did the mayor tell you that it was Gov. Jerome's desire that you go down?

A. No, that he told Mr. Dakin to pick out his own committee that he wanted to go down here with him, and he did.

Q. What do I understand you Gov. Jerome said?

A. I didn't say Gov. Jeome said a word. I said that Mr. Shackleton told me that he requested Mr. Dakin to pick out what committee he wanted to come down here with him, and he said he would like to have Gov. Jerome come and myself?

Q. Was Dakin present during this conversation?

A. No, sir, there was nobody present but me and the mayor.

Q. Where was this conversation with the mayor?

A. It was in Saginaw City.

Q. Did the mayor at that time agree to pay your expenses?

A. Yes, sir.

Q. What did he say about expenses?

A. It was as I stated. I told him that I was already out about \$30 on the Saginaw City charter, and I didn't propose to be any more out, and in fact I says "I have got no money to go with." He says "We will furnish you your expenses to go down there, if you will go."

Q. Didn't the mayor tell you that you should go to the controller and that he should speak to him about the money?

A. I will explain that if you will allow me. He told me that he would see that I got money to go with, and the arrangement was with me that I should meet him Monday night and we would come out together Monday evening and that he would speak to the controller and see if he could not get me some money advanced to come out here. And that evening Mr. Tillotson and Dr. Barber came up to my house and wanted to know if I couldn't come down the next morning. I told them that I was willing. They told me they wanted me to come back and see Mr. Dakin and if he hadn't just as soon come in the morning, and if he had to come down with him. So I went back and saw Mr. Dakin and he said he would just as soon come down the next morning as any time, so we came in the morning, and for that reason I didn't see the controller. There was nobody in the controller's office and I came down.

Q. How do you know there was nobody in the controller's office?

A. I don't know; I didn't go there to know in that way, any more than it was early in the morning.

Q. What time did you leave Saginaw?

A. I left at about 7:45 I think.

Q. Isn't the controller in his office at 7 o'clock?

A. I don't know; I don't think you will find him there very often at that time.

Q. What made you say there was nobody in the controller's office?

A. What I meant by that was that it was early and I didn't think there was anybody there; but I didn't go to see.

Q. Did the mayor tell you he was going there too?

A. No, sir, he did not.

Q. Did you ask him for any stated sum?

A. I did not.

Q. Did you state to the mayor what you wanted the money for?

A. Nothing more than my expenses was all.

Q. You stated to the mayor that you wanted your expenses?

A. Yes, sir.

Q. Did you tell him what those expenses would consist of?

A. I did not. There was nothing said.

Q. What did you mean by the word expenses?

A. I meant the money that I spent down here, that they would pay back to me, that they would bear my expenses.

Q. Did you mean for cigars and drinks?

A. Yes, sir.

Q. Did you intend to get the first \$30 back then?

Judge Van Zile—I don't like to object so often, but it strikes me that it would be pretty well to adopt the rule my friends have insisted upon and that he should be confined to what was said. What he intended to do is hardly relevant here. That is all hearsay anyway.

The Speaker—The counsel will confine his questions to what took place.

Q. Was there anything said at that time about what these expenses were to consist of?

A. No, sir.

Q. Had you explained to the mayor what you had spent the \$30 for?

A. No, sir.

Q. At what time did you arrive in Lansing that day this last time?

A. About ten o'clock.

Q. What did you first do?

A. We went right from the train up to the Eichle House.

Q. Who was with you?

A. Mr. Dakin.

Q. Were any others from Saginaw on the part of this committee present?

A. No, sir.

Q. What did you do that morning before twelve o'clock?

A. We came up here to the capitol.

Q. Was there a session upon that day?

A. Not until evening; no, sir.

Q. What did you do between the hours of ten and twelve that morning in the capitol?

A. We didn't do anything; only come up and walk around and go down town. I don't know just where we went.

Q. You spoke to nobody about this charter?

A. Not that I remember.

Q. Where did you get your dinner?

A. At the Eichle house.

Q. What did you do after dinner?

A. Went out around town.

Q. Did you speak to any person during that time about the charter?

A. I don't think we did speak to any of them until that evening, except we spoke to Mr. Linton.

Q. Where did you take your supper?

A. At the Eichle house.

Q. Were you in company with Mr. Dakin during that whole time?

A. I think I was.

Q. Did you talk over with Dakin during that time how you would get this charter through?

A. I don't think there was anything said about it then.

Q. Nothing said about the charter between you and Dakin?

A. I presume there was something said, but nothing as to how we should get it through.

Q. You arranged upon no plan?

A. No, sir.

Q. What time did you go to the house that evening?

A. I think we came here about half past nine or nine o'clock. We came up here just a little while before the session.

Q. Was there a session of the House that evening?

A. I think there was.

Q. What time did it adjourn?

A. I don't remember.

Q. Did you converse with any member except Mr. Linton and Mr. Dakin about the charter that evening?

A. I don't think I did; I don't know but I did speak to Mr. McGregor that evening; I won't say positively that I did.

Q. If so do you remember what you said to him?

A. No, sir.

Q. Have you, up to this time, heard any member of this House express his opinion against this bill?

A. Well, I don't think I ever did.

Q. Either before or after?

A. No, sir, not against it in particular.

Q. What conversation took place between Mr. Shackleton, Mr. Linton, Mr. Dakin and yourself during that evening here in the House?

A. We talked the matter over and Mr. Shackleton made him that proposition and Mr. Linton thought it was a favorable one, it seemed to him to be all right.

Q. Did you think it was all right?

A. Yes, sir.

Q. You expected the whole matter would be amicably settled then?

A. Yes, sir.

Q. What time did you leave the House?

A. I think it was about eleven o'clock if I remember right, or later. I think it was nearly twelve o'clock when we left here.

Q. Did you talk to any of the other members that evening?

A. No, sir.

Q. Where did you go when you left the capitol?

A. I think we went down here to a restaurant and got some oysters.

Q. How many of you?

A. Mr. Linton, Mr. Shackleton, Mr. Dakin and myself.

Q. Who paid for them?

A. I think Mr. Shakelton did, I don't remember.

Q. Where did you next go?

A. We went over to the Eichle House.

Q. Remained there over night?

A. Yes, sir.

Q. With whom did you room?

A. With Mr. Dakin.

Q. What did you do the next day?

A. We came up here to the House the next morning, I think we came here about nine o'clock.

Q. Did you meet any of the members before nine o'clock that morning?

A. I don't remember that I did.

Q. Did you have any conversation with the mayor before you came to the capitol?

A. Yes; we went down to the train with him in the morning.

Q. Who went over to the train with him?

A. Mr. Dakin and myself.

Q. Were you three alone?

A. Yes, sir.

Q. Did you have any conversation with the mayor about money on your way to the train?

A. Yes, sir. He asked me if I got any money before I left, and I told him no, and showed him what I had there. and he pulled out \$5 and gave me, and he pulled out \$2 more and gave it to Mr. Dakin.

Q. What did he say when he gave you the \$5? •

A. He said that when he came out again that evening he would bring me some more, enough to bear my expenses while I was here.

Q. Was that all he said?

A. No, sir, he said that if anything happened that he didn't come back that night he would telegraph me.

Q. What would he telegraph?

A. He would telegraph so that I could get some money by telegraph.

Q. Did you ask him to bring any more money?

A. No, sir, I did not.

Q. Did you ask him for the five dollars in the first place?

A. I did not.

Q. What did he say to Dakin when he handed him the two dollars?

A. He handed him the two dollars and Mr. Dakin took it and he says, "Here, I don't want this." And he says, "Take it and buy some cigars." And Mr. Dakin says "I don't smoke," and offered it back to him, and he said then, "Take it and buy yourself some beer," and Mr. Dakin put the two dollars in his pocket.

Q. Was that all that was said to Dakin at that time?

A. Yes, that is all I remember that was said.

Q. Did Dakin ask the mayor for the money?

A. No, sir, not that I heard.

Q. Nothing was said, and no money was asked for either by you or Mr. Dakin?

A. No, sir.

Q. I understand now that you have given the exact language that was used by the mayor to you and Mr. Dakin when the money was handed over?

A. Just as near as I can remember it, yes.

Q. Where did you and Mr. Dakin go after you left the depot?

A. We came back over town.

Q. Where did you go next?

A. I don't know. We were walking around town here I think until about nine o'clock. I could not say where we were in that time.

Q. Did you meet any members of the house?

A. I don't remember that we did.

Q. Didn't you talk about this charter to anybody?

A. Not that I remember of.

Q. Where did you next go?

A. We were here.

Q. How long were you here in the House?

A. I guess probably we were about three-quarters of an hour.

Q. Did you talk to any of the members about the charter?

A. No, sir, I did not.

Q. Were you with Dakin during this time?

A. I was with him the most of the time.

Q. Did Dakin in your presence talk about the charter?

A. No, sir.

Q. Where did you go next?

A. We went over town.

Q. Who did you meet on your way?

A. Mr. Eaton and Mr. Jay Smith.

Q. About what place in the capitol?

A. We met them down in the corridor or the rotunda.

Q. Who spoke first?

A. I could't say who spoke first; We shook hands and Mr. Eaton spoke and wanted to know how things looked in regard to the charter.

Q. Who answered?

A. I did. I said it looked first rate, and he wanted to know what Mr. Shackleton had gone home for, and Mr. Dakin spoke that he had gone home with Mr. Linton to fix up the matter betwixt East Saginaw and Saginaw City and to bring back some money for my expenses.

Q. For whose expenses?

A. "For Fellows," he said.

Q. Was that all the conversation?

A. No, sir; I think that Mr. Dakin then spoke and said that Shackleton came out here and only had ten dollars to pay his expenses and Fellow's, and that he would expect to bring out some more money with him to pay expenses, and I think Mr. Eaton asked him then if he thought any money could be used here with the members in the interest of the charter, or words to that effect.

Q. What was the next thing?

A. Mr. Dakin says "Why of course we can, in a social way."

Q. Did you say anything?

A. No, sir; I don't remember that I did.

Q. Did you have any conversation with Eaton at that time?

A. I told him this proposition that Mr. Shackleton had made.

Q. Was Mr. Dakin present at that time?

A. No, sir.

Q. Where was Dakin?

A. Dakin and Mr. Smith had gone on a little ways and Mr. Eaton says—or I says—"Here, Mr. Eaton," and he turned around and we stepped up towards the clock and I showed him the paper.

Q. Are you acquainted with Jay Smith, of Saginaw?

A. Yes, sir.

Q. The witness who testified here this morning?

A. Yes, sir.

Q. Did you hear his testimony?

A. I could not hear much of it.

Q. When Mr. Smith testified that Mr. Dakin said that the mayor had gone home to get some money to get the charter through, that was false, was it?

A. Yes, because I did not hear any such conversation.

Q. Where did you next go?

A. After we left the capitol?

Q. Yes.

A. We went down onto the corner here.

Q. What corner?

A. The corner of the two main streets down here.

Q. Whom did you meet there?

A. We met two or three going down that Mr. Dakin stopped and spoke to; I didn't know who they were.

Q. Did you speak to anybody about the charter then?

A. Not that I know of.

Q. Where did you stop?

A. On the corner.

Q. On what sidewalk did you go down?

A. On the left hand side of the street.

Q. Was anybody else present on the corner but you two?

A. Not at that time.

Q. What were you talking about at the corner?

A. I could not remember.

Q. How long did you stand there before Mr. Eaton came?

A. Perhaps five minutes.

Q. Were you talking about the charter during that five minutes?

A. I could not say what we talked about.

Q. You simply stood still?

A. Probably we were talking. I don't remember what about now.

Q. You don't remember a word that was said there?

A. No, sir, I do not.

Q. What happened next?

A. Mr. Eaton came up to us then.

Q. What conversation took place between Mr. Eaton and you at that time?

A. Mr. Eaton came up and he says "Fellows, Shackleton didn't bring you down any money."

Q. This was about five minutes after you had left Mr. Eaton in the capitol?

A. No, sir, it was probably 15 minutes after.

Q. Where had you been during this ten minutes?

A. As I told you before, Mr. Dakin had stopped along down the walk and talked with two or three people.

Q. How long did you stand talking with Mr. Eaton before Mr. Crowley came?

A. Mr. Crowley didn't come up to us there.

Q. How long did the conversation between you and Eaton last there?

A. He might have been there talking perhaps five or ten minutes, may be longer.

Q. When did you first see Crowley this morning?

A. After Mr. Eaton had left.

Q. What did you say to Mr. Crowley?

A. I don't remember what I did first say to Mr. Crowley. I went up and shook hands with him, and he wanted to know how things looked in regard to the charter.

Q. Did you hear the testimony of Mr. Crowley here this morning?

A. Yes, sir, I heard the most of it. I didn't hear all of it.

Q. When Mr. Crowley testified that you said it would be necessary to expend some money in order to get the charter bill through, was he testifying the truth or a falsehood?

A. I couldn't say. I wouldn't say that he said that, I don't think he did.

Q. If he said that was it false?

A. I have stated that I don't think I did.

Q. If Mr. Crowley said during his testimony this morning that Mr. Dakin said that it would be necessary, and that the mayor had gone to Saginaw to get some money in order to get the charter through, was he stating the truth or a falsehood?

A. I can say that he might have said so, but I don't remember it. I would not say it was false.

Q. Dakin might have said so?

A. He might, or I might have said something. I don't remember any such conversation. I would not say there was no conversation took place, but there might have been.

Q. How soon did Eaton go away from you?

A. I think perhaps it was twenty minutes after that.

Q. Did you stand twenty minutes talking on the street corner?

A. No, sir, we did not. We went down to the restaurant and got something to drink, and was in there a few minutes.

Q. What further conversation did you have about money in the restaurant at that time or on your way going or returning?

A. I don't think we had any.

Q. Will you give us now the conversation that took place in the restaurant, the whole of the conversation that took place after you got in the stall in the restaurant?

A. I think Mr. Eaton asked the question if anybody had a roll call about the first. I think he says, "Now we will see if you can fix this thing up in some way, and talk this matter over," and I think he asked if there was nobody had a roll call, and he says, "Well, come to think, I have got one myself," put his hand in his pocket and took it out and shoved it over to Mr. Dakin. He says, "Now, to get at your idea who you would want to see in this matter, check off their names."

Q. Down there in the stall, when Mr. Crowley testifies that Mr. Dakin repeated again that in order to get the charter bill through it would be necessary to use some money, and that the Mayor had gone after money, did he state the truth or a falsehood?

A. He did not state it in my presence. If he did, I didn't hear it.

Q. Is it possible that that statement was made in your presence?

Q. Why, yes, it was possible that it might have been said and I not taken any notice of it.

Q. Wouldn't you have taken any notice of such a statement?

A. I don't think it was, I could say that it was not,

Q. Then if Mr. Crowley testified that it was a falsehood, was it?

A. Yes, sir.

Q. Where did you go after you left this saloon?

A. Down to the Eichle house to dinner.

Q. Where did you go after dinner?

After dinner, I think probably it was half past one, we started away from the Eichle house and walked up towards the capitol here and went down the street.

Q. Did you come to the building here?

A. No, sir; we didn't come to the building.

Q. Where did you go next?

A. I think we went from there down to North Lansing.

Q. With any of the other members?

A. No, sir, we walked down there just for a walk; I told him I would like to go down and see the town.

Q. You and Mr. Dakin?

A. Yes, sir.

Q. Did you have any conversation about the charter at that time?

A. I don't recollect; if I did I don't remember.

Q. Did you talk any going down there?

A. No, sir.

Q. What time did you return from North Lansing?

A. I think we got back here about four o'clock or half past three.

Q. What did you do then?

A. I can't tell where we did go. I know we came up here to the capitol, but I don't think we came in.

Q. Did you meet any members of the House of Representatives at that time?

A. No, sir.

Q. Was the house in session during that day?

A. I think it was.

Q. And you strayed away with Mr. Dakin?

A. Yes, sir.

Q. Had you and Mr. Dakin any business in North Lansing?

A. I had none,

Q. Did Mr. Dakin seem to have?

A. No, sir.

Q. What time did you come back in the house that day?

A. I think it was about four o'clock when we got back up here.

Q. Did you come here in the House?

A. I don't think we came in. We came up to the steps, and I believe we met Mr. Tillotson and P. C. Andre and some people from Saginaw and I think we stopped and talked awhile and went down town again.

Q. Where did you first meet Mr. Tillotson that day?

A. I first met him before we went down there on the corner.

Q. Was Mr. Dakin present at that time?

A. Yes, sir.

Q. Were you present when Dakin told Tillotson that he had marked this roll?

A. Yes, sir.

Q. Were you present when Dakin told Tillotson that in order to get the charter through it would be necessary to spend some money on the members?

A. No, sir, I was not present when Dakin told him that.

Q. When Tillotson said that in your presence and in the presence of Dakin, Dakin told him this was false?

A. I think that I told Tillotson that Dakin thought it was necessary to have some money here to spend with the members in taking them out and for a social time. I think I was the one that made that remark.

Q. Then Dakin said nothing about money to Tillotson at that time?

A. I don't remember that he did.

Q. Are you sure?

A. I would not be positive, but then I am sure that I said that to him.

Q. Do you know what Dakin said?

A. No, I don't know. I don't think he said anything to me in regard to money.

Q. Tillotson swears that when Dakin told him about marking the list, and receiving money, he said, "Great God, Dakin what have you done?" Was that false also?

A. I would say that Dakin did tell Tillotson that he had marked the roll. That is what I mean to say.

Q. Did Dakin tell Tillotson what he was going to use this money for?

A. I don't remember that he did.

Q. Did Dakin tell Tillotson how much money he was going to use?

A. I don't think he did.

Q. Did Dakin tell Tillotson how much money was set opposite the names?

A. He might have said so, but I don't remember it now. If he did say so, I could not remember whether he did say so or not.

Q. Where did you go after you came to the capitol?

A. I would not say, but I think we were around town and down at the Eichle House playing pedro, something of the kind.

Q. Who was playing pedro?

A. I think I played some. I think Mr. Dakin played with me some.

Q. Up to about what time were you there?

A. Well, we were there to supper.

Q. You remained there until supper time?

A. I think we did, but I won't say but I took a walk. I don't remember.

Q. Have you now given me all that happened that afternoon?

A. All that I can remember, yes, sir.

Q. Is it not a fact that you and Dakin together went to the telegraph office that afternoon?

A. Well, we did, yes, sir.

Q. To how many telegraph offices did you go.

A. We went to two.

Q. What did you go there for?

A. We went there because Dakin said "May be Shackelton has telegraphed some money," and we went there to see. Dakin went in and I think I went with him into the first telegraph office, down towards the bridge, towards the corner. He went in and I think I stepped in behind him, in fact I am sure I did, for I heard him ask if there was any telegram there for Fellows or Dakin.

Q. How many times did you and Dakin go to the first telegraph office?

A. Only once I think.

Q. Will you be positive as to that?

A. I can't remember going there only once.

Q. How many times did you go to the second telegraph office?

A. I think we only went to both of them once.

Q. Did you go into the first telegraph office?

A. Yes, sir, I went in. I think I went inside of the door.

Q. Who asked for the telegram then?

A. Dakin.

Q. Who asked for a telegram in the second office?

A. Dakin.

Q. You went into both telegraph offices, then?

A. I don't think I went inside of the second one; I don't know but I did. I would not say whether I did or not.

Q. Didn't you state a moment ago that you heard Dakin ask in the second telegraph office whether there was a telegram for Fellows and Dakin?

A. I don't think I did. I said in the first office he said that.

Q. So you don't know what Dakin did say in the second telegraph office.

A. I presume he asked the same question. I don't know to be positive about it.

Q. Who expected the telegram, you or Dakin?

A. I don't know I am sure. He asked for both of us. I supposed he thought—

Q. Answer the question, please.

A. I will, as straight as I can.

Q. Did you not state a moment ago that the Mayor had told you that he would send you a telegram?

A. Yes, sir.

Q. How does it happen then that Dakin inquired and you were not even in the telegraph office?

A. I don't know. I suppose Dakin thought he would go and see if there was a telegram there. I don't suppose he thought anything about it. I know I didn't. I know he spoke about going to the telegraph office to see if there was a telegram, and I know he did the inquiring. I don't know why he did.

Q. Did you expect any telegram except the one sending the money; Were you expecting any other telegram?

A. No, sir.

Q. Where did you next go?

A. I think we went down to the house. I can't remember where we did go exactly.

Q. Did you remain during that evening at the Eichle House?

A. I think we did until pretty nearly train time, when we went over to the train.

Q. What did you go over to the train for?

A. To meet a delegation from Saginaw.

Q. Whom did you expect to come from Saginaw?

A. Expected Shackelton and Linton would be in.

Q. Did you meet Shackelton at the train?

A. Yes, sir.

Q. Did you ask Shackelton on your way from the train to the hotel, whether or not he brought any money?

A. I did not.

Q. Did Dakin ask him that question?

A. Not to my knowledge, he did not, not in my presence that I heard.

Q. When did you first ask him whether he had brought any money or not after his return from Saginaw that evening?

A. I did not ask him at all whether he had brought any money from Saginaw.

Q. You did not ask Mr. Shackelton at all, after his return, whether he had brought any money?

A. No, sir.

Q. Did Mr. Dakin ask Mr. Shackelton that?

A. Not to my knowledge.

Q. Did you ever ask Mr. Shackelton after that whether he had brought any money?

A. No, sir.

Q. Or Dakin, to your knowledge?

A. No, sir.

Q. So you mean to say you went to the telegraph office in the afternoon to find out whether there was a telegram here, whether money had been telegraphed over, and did not have interest enough in the dispatch to ask Mr. Shackelton whether he had brought the money or not? Do you mean to say that?

A. That is what I mean to say, that I did not ask him for any.

Q. What did you say relative to the Grand Army boys?

A. At the time we were in the restaurant? Is that what you refer to?

Q. When did you first speak about the Grand Army boys?

A. That is the only time that I remember saying anything about them.

Q. What did you say about them?

A. I said there was nobody here I could talk to and show the situation up to them unless it might be some of the Grand Army boys that I could talk over old times with and get acquainted with and such like.

Q. How did you expect to use this money among the Grand Army boys?

A. What money?

Q. Any money you might get.

Mr. Van Zile—He has not testified as to using any money among the Grand Army boys. The question assumes that he has sworn to something that he has not sworn to.

Mr. Conductor Diekema—He stated that in a social way some money could be used among the Grand Army boys.

Mr. Dodge—We desire to refer to the minutes if the council insists upon that. We insist that no such statement was made on his direct examination. He said he could talk with some of them.

The Speaker—What is the question?

The official stenographer read the question as follows: "How did you expect to use this money among the Grand Army boys?"

A. What money?

Q. Any money you might receive?

A. I did not expect to use it among them except in a social way. I never made any mention about using any money with the Grand Army boys.

Q. You were asked to come here because you were a Grand Army man and could talk to some of the Grand Army boys, were you not?

Mr. Dodge—I object to that for the reason that the witness has answered that question at least half a dozen times.

Mr. Conductor Diekema—I have not asked that at all on cross-examination. I am only referring to the direct examination now.

The Speaker—Let the witness answer the question.

A. I was asked to come here, yes sir, and there was something said at that time about that.

Q. Since you arrived in Lansing, have you seen a single Grand Army boy about this bill?

A. I don't think I have.

Q. You have not spoken to one?

A. Not that I remember of, I have not.

Q. You said you had a conversation with Dakin about a dance at the Eichle House. Who were to be invited to that?

A. There was nothing said about it to me, as to whom we intended to invite at all. I stated all the conversation that I had about it.

Q. Whom did you think were to be invited—those fifteen?

A. I expected that there would be members of the House. I don't know as I expected those fifteen, for I did not know who they were. I expected that we intended to invite some members from the House.

Q. Did you and Mr. Dakin go to the Hudson House to see Eaton after you had this conversation with Tillotson?

A. No, sir, we did not.

RE-DIRECT EXAMINATION, BY MR. DODGE.

Q. There has been some considerable rivalry between Saginaw City and East Saginaw with reference to the charter, I believe, has there not?

A. Yes, sir, and Carrlton also.

Q. Was not the idea of using this money to maintain a lobby here on the part of Saginaw as against East Saginaw, which had rival interests in the charter?

A. The idea of using money—I don't know that there was any idea.

Q. To use it for the purpose of entertaining the lobby members here generally that were working in the interests of Saginaw or for their expenses in the interest of this charter?

A. That is what money was talked of for. That was the way they expected that they would spend it—in a social way with the members.

Q. How long were you here on this occasion that you spent the thirty dollars?

A. Six or seven days altogether.

Q. Did you regard the sum of thirty dollars as a very extravagant waste of money in view of the business you was down here on?

A. I think I spent more than I ought to.

Q. Did you spend any of this money in becoming intoxicated, yourself or any of your friends that were associated with you?

A. No, sir; I did not.

Q. You stated that Mr. Crowley might have been mistaken and that he told a falsehood. You did not mean to say by that that you believe Crowley is a man in the habit of telling falsehoods?

A. No, sir, I do not mean to be understood that way.

Q. You think if he stated as counsel repeated it, that he must have been mistaken?

A. I think he must have been mistaken.

Q. After your examination by counsel and since you have had time to reflect, do you think there was anything said either down here in the stall, in your presence, or down here in the rotunda, but what you heard, as you stated here on your direct examination?

A. No, sir, I don't think there was anything.

Q. Did you ever tell any one that you had used thirty dollars for any other purpose than you have to-day stated?

A. No, sir, I never did.

Q. Did you ever have any intimation from Mr. Dakin, either directly or indirectly, one way or the other, that Representative Rumsey or any other member of the House could be approached with money, or by any corrupt method?

A. No, sir, I never did.

Q. Did you yourself imagine or think you could approach any one of the members of this honorable House with money for any corrupt purpose?

A. No, I never did.

RE-CROSS-EXAMINATION BY MR. CONDUCTOR DIEKEMA.

Q. Are you a laboring man?

A. Yes, sir.

Q. You work for your living, do you?

A. Yes, sir.

Q. What labor are you engaged in?

A. Well, I have worked a good deal for the Saginaw Street Railroad Company. I worked there several years.

Q. How long is it since you worked for the Saginaw Street Railway Company?

A. It has been about five years, I guess.

Q. That was five years ago. What did you work at last year?

A. I have been in the excavating business for the last five years.

Q. During the last year?

A. During the last five years, during summer seasons.

RE-DIRECT EXAMINATION BY MR. DODGE.

Q. In what capacity did you work for the Saginaw Street Railway Company?

A. I was conductor on the cars there for about fourteen years.

Q. Fourteen consecutive years?

A. Yes, sir.

Q. You were in the army how long?

A. I was in about two years and three months.

Q. You are in rather poor health now are you not?

A. Yes, sir.

Q. And you have been for some time past?

A. Yes, sir.

Q. Were you ever intoxicated in Saginaw City, or Lansing, or elsewhere in your life?

A. I never was intoxicated in my life.

RE-CROSS EXAMINATION BY MR. CONDUCTOR DIEKEMA.

Q. How long did you say you worked as a street car conductor?

A. I think it was about fourteen years, or nearly that, that I worked for the Company.

Q. Did you work any for them as a conductor since the present system of bell checking or registering came in vogue?

A. Yes, sir.

Q. How long?

A. I worked for them I think as much as three or four years after that.

Q. Do you make the statement here that you worked three or four years for that company after that system came in vogue?

A. Yes, sir.

By Mr. Dodge:

Q. Who was president of that company for which you worked and under which that system existed?

A. D. H. Jerome.

Q. Ex-governor of Michigan?

A. Yes sir.

The following question proposed by a member of the House was sent to the Speaker's desk, and read by the Speaker

Q. What did you say or do to any member or employé of the House at any time that you thought would assist in the passage of the amendments to the charter of Saginaw in the House?

A. Nobody but Mr. Linton that I now recall.

Mr. Dodge—Did you ever represent to any one that you were an experienced lobbyist?

A. No, sir.

Q. When you came down here did you do what you thought best to do under the circumstances, in the interest of the charter?

A. I did.

Q. At what time did you leave when you say you had the conversation with Mr. Linton?

A. I left Monday evening.

Q. Any other time?

A. I don't think I have,

Q. When you answered a moment ago that you thought you had done what you possibly could in the interest of this charter, did you mean to say that by doing absolutely nothing you did what were for its best interests?

A. I considered there was not much to do after the arrangements had been made with Mr. Linton until they got back.

Q. Then what was the nature of this business if you thought, as you answered a moment ago, that you thought the thing was compromised and would be settled?

A. I can tell you that Mr. Tillotson, after he found out what Mr. Dakin had done, he told me, "Now, Giles, just let this thing drop, because it may make some trouble."

Q. What thing drop?

A. This in regard to having a social time with the boys.

Q. At what time was that?

A. That was the time I was speaking to you of, that I saw Mr. Tillotson down here on the street, after Mr. Dakin had told Mr. Tillotson what he had done. It was not but a short time after that before Mr. Tillotson went up to the Hudson house to see Mr. Eaton to see if he could not get it.

Mr. Dodge—Has there been any cause for a jollification or a social time or anything in the way of an entertainment since the differences have been settled between Saginaw City and East Saginaw regarding this charter?

A. No, sir.

Mr. Conductor Deikema—Was there ever before this?

A. No, Mr. Dakin and I never spoke to anyone else.

RE-DIRECT EXAMINATION BY MR. DODGE.

Q. What do you mean by Dakin and yourself?

A. I mean we are the only ones that ever talked it over at the Eichle House.

Q. Did you understand the question of counsel? He asked you if there was any occasion before for having such an entertainment as I have mentioned, or any sociability, if it was deemed necessary?

A. Well, I deemed it necessary to do all that we could do in the interest of that, if Mr. Linton was going to oppose the bill.

Q. Was that deemed necessary by anyone else other than yourself—by Mayor Shackleton?

A. Yes, it was.

Q. Who else? Mr. Eaton?

A. I don't know I am sure what they thought about it. All I could state was for myself.

Q. Any one else besides Mr. Shackleton?

A. Nobody said anything to me about using any money for that purpose that I know of.

Q. But for the purpose of coming down here in the interest of the charter?

A. That was all.

Q. These several committees were appointed for that purpose, and since they made the compromise there has been no occasion for their being here, has there?

A. I do not see any, no, sir.

RE-CROSS EXAMINATION BY MR. DEIKEMA.

Q. When you stated a moment ago in answer to a question proposed to you by your counsel, whether the mayor knew anything about this and you said yes, what did you mean; that the mayor knew about the money being used in this way?

A. I never had—if I said so, I misunderstood it. The mayor has never said anything to me.

Q. So you mean to say now that the mayor knew nothing about this money being used in a social way?

A. Not that I know of.

Q. Were you present here when Mr. Crowley testified that Mr. Dakin said to-day is the day they ought to have the money because Mr. Linton is absent from Lansing?

A. I say that Mr. Dakin did say that if there was any money to be used in a social way among the boys, it ought to be done while Mr. Linton was gone if they deemed it necessary.

When did you expect Mr. Linton back?

A. Tuesday night.

A. That same evening.

Q. So Mr. Dakin said it would be necessary to use that money in a social way during that day?

A. He said it should be used, then if it was used at all.

Q. How could it be used then?

A. That I don't know, there was nothing said to me.

Q. Mr. Dodge.—At the time Mr. Dakin received this two dollars from the mayor did he repeatedly refuse it and decline to take it?

A. I think he did at three different times.

TESTIMONY OF REPRESENTATIVE E. N. BATES.

Representative E. N. Bates, having duly affirmed, testified as follows:

Examined by Judge Van Zile.

Q. You are a member of the House of Representatives?

A. Yes, sir.

Q. You are a member of the committee on municipal corporations?

A. Yes, sir.

Q. Was that the committee before which the Saginaw charter bills were pending?

A. They have been before our committee.

Q. I want to ask you if in the committee room there have been any cards hanging up with certain printed matter upon them with reference to cigars?

A. There is a sheet of paper in the room I think having a printed device upon it.

Q. What is it?

A. It is something to the effect that "we smoke, if you don't up goes your bill."

Q. How long has that been in the committee room?

A. I cannot tell. I think perhaps about six weeks or two months.

Q. Was it in the committee room during the time that the Saginaw charter bill was pending before the committee?

A. I think the Saginawians never were in the room where the municipal corporations committee usually meet. There might have been small delegations of them in there, but they never met us there. We usually adjourned to some larger room.

Q. Are those cards and signs up in other committee rooms?

A. I could not tell you.

Q. Do you know or not of occasions where gentlemen have been referred to that sign, or whatever you may call it, when they were presenting bills before the committee?

A. Yes, sir.

Q. Do you remember that that has been done on more than one occasion?

A. I think it has.

Q. Do you remember whether or not immediately upon such reference money has been produced for purchasing cigars?

A. That depends largely upon the size of the man.

Q. About what sized man do you generally require that of?

A. Small men do not usually contribute.

Q. Large men do, you mean to say.

A. Yes, sir.

Q. I understand your answer then is that there have been such occurrences there?

A. Yes, sir.

Q. On more than one occasion?

A. I think I recollect two occasions.

Q. That has been in other sessions that you know of?

A. I never knew of its happening before.

Q. Is it anything uncommon for assessments to be made upon members of the Third House here in the interest of legislation.

Mr. Conductor Herrington—By whom?

Judge Van Zile—By the committee I suppose.

Mr. Conductor Herrington—If it is by the committee I have no objection to it.

A. I never saw one made.

Q. Do you remember whether or not some such card as that was up in the committee room where Mr. Dakin was a member of the committee?

A. I never have seen a card of that nature in any other room except in ours.

Q. You say some gentlemen have furnished money when that was referred to?

A. Yes, sir.

Q. What was the money to be used for?

A. It was generally supposed it was to be used to purchase cigars.

The following question was sent up by a member, and read to the witness by the Speaker:

Q. Did certain gentlemen from Detroit pay the committee on municipal corporations a dollar a piece for the privilege of making speeches on one of the Detroit bills?

A. No, sir.

Mr. Conductor Herrington—Did this ever happen with any one in connection with the Saginaw charter bill?

A. No, sir; not that I remember of.

Q. Was any person from Saginaw ever asked to contribute anything for the purchase of cigars for the committee on municipal corporations?

A. Not that I have any recollection of.

Mr. Dodge—Has any one ever claimed that they did.

A. I don't know whether you claimed it or not. I would like to make a statement right here. This system of assessments originated with the members of the committee in this way: When we organized we agreed that if any member was late in his attendance upon the meetings of the committee he should pay a fine. I think I was the first one that paid the fine. I think every member of the committee has paid a fine. The committee consists of seven. There are only four who smoke, but that money has usually been spent for cigars for the four who smoke, and from assessing the fine upon the members of the committee it extended in its playful way to the members of the House. I have a distinct recollection of our friend from Lenawee contributing a dollar. I think our friend from Bay and also our friend from Ingham contributed a dollar for cigars as a sort of a fine, and I think one or two delegations from outside. Further than that I have no recollection of anything being paid to the committee.

The Speaker—The following question is asked: Do you know who placed this card in the room?

A. I do not; I could not say; I do not know whether it was the Speaker of the House or the gentleman from Ingham who is counsel for the defendant.

Q. Was not this card more in the nature of a joke than anything else?

A. I presume it was; that is the way it was looked upon by the members of the committee.

By Mr. Dodge.

Q. Any proceeding of that kind is not regarded as harmful or done with any bad intention?

A. We had no harmful intention when operating it among ourselves.

Q. A party representing some interest or looking for some legislation would fare as well before the committee if they did not contribute cigars or money as though they did contribute?

A. They usually get their share of the cigars, the delegations that contribute.

Q. You do not understand the question. I mean to say that the contributing of cigars or money never influenced that committee or any members of it.

A. No. We have reported adversely on more delegations that contributed than we have upon those that did not contribute.

TESTIMONY OF REPRESENTATIVE LINTON.

Representative Linton, sworn.

Examined by Mr. Holden:

Q- Are you the member in this House representing the city of East Saginaw?

A. I am, sir.

Q. You are somewhat familiar with the bill to revise and amend the charter of the city of Saginaw are you?

A. I am.

Q. I presume you were watching that measure somewhat?

A. Somewhat.

Q. And there was also pending before this House at the same time a bill to amend the charter of the city of East Saginaw was there not?

A. There was.

Q. And you had that bill in charge?

A. I had.

Q. You were looking to the interests of that also?

A. I was.

Q. Did you have a conference with Mayor Shackelton of the city of Saginaw relative to the Saginaw city bill?

A. I did.

Q. You have heard read in this House to-day a memorandum which was exhibited to the witness, Mr. Crowley, relative to a proposition from Shackelton concerning the Saginaw City charter?

A. Yes, sir.

Q. Have you the original proposition?

A. I think I have.

Q. Will you produce it?

A. I will.

Q. What is this?

A. That is a proposition made to me, sir, as to what Saginaw City would bind itself to do in the shape of improvements upon the strip of territory that was in dispute as between Carrolton and Saginaw City.

Q. The strip of land known at home as the middle ground, or Florence?

A. Yes, sir.

Q. It was relative to taking that into the city of Saginaw under the revised and amended charter was proposed?

A. Yes, sir.

Mr. Holden—I offer this in evidence. The paper was received in evidence and made exhibit D, and reads as follows:

“State of Michigan, Representative Hall, Lansing, April 18, 1887.

Mr. Linton, Dear Sir—We agree to refund to the township of Carrolton the amount of moneys paid by them to build the piece of road across Florence, on Genesee street, also to extend a water main to the lower end of Florence; to give to said Florence three electric arm lights and proper police protection, or to expend all the moneys paid into the city treasury, except State and county taxes from said territory, for the next eight years, on said piece of territory.

J. H. SHACKELTON, *Mayor*.

Q. In whose handwriting is this?

A. Mr. Shackelton's.

Q. Did you see the memorandum which was read when Mr. Crowley was upon the stand this morning?

A. Yes, sir, I saw it when it was presented this morning.

Q. I see in this that there were some lead pencil interlineations. Will you examine the exhibit which was produced when Mr. Crowley was upon the stand and say in whose handwriting the ink portion of it?

A. According to the best of my judgment it is in Mayor Shackelton's handwriting.

Q. In whose handwriting are the lead pencil corrections?

A. In mine.

Q. When did you make them?

A. On Monday evening the 18th of this month.

Q. At whose request did you make the interlineations?

A. I made them upon my own motion at that time. I thought it was proper.

Q. Who was present at that time?

A. There was present at that time Mr. Fellows, Mr. Dakin and Mr. Shackelton. I remember no others.

Q. You remember that Mr. Fellows was here in the interest of the Saginaw city charter and in the interest of the middle ground, as you understood at the time?

A. I supposed that to be the case.

Q. After making the interlineations or corrections so that it would be a copy of the original proposition of the mayor of Saginaw to you, to whom did you give it?

A. I think I returned it to Mayor Shackelton.

Q. Is it a fact that on the 18th or 19th you and Mayor Shackelton returned from Lansing to your respective cities?

A. On the 19th we did so.

Q. In the morning?

A. In the morning.

Q. At what time did the train depart?

A. 8:20 I think is the hour?

A. For what purpose did you go?

A. I went for the purpose of laying the proposition that Mayor Shackelton had made before the parties interested in this strip of territory known as Florence. I can continue the statement if you wish.

Q. If you desire you may make any statement in connection with the matter that you may see fit, so far as we are concerned. I hope there will be no objection from the other side. I presume there will be none.

A. I desire to explain my position in this way: I came from East Saginaw on Monday, the 18th, and on the train, for the first time, met Mr. Shackelton. After the session of the House of Representatives on Monday evening, we talked this matter over of the annexation of Florence. I stated to Mayor Shackelton—before I say that I will state that the Mayor, Representative Dakin, and other Saginaw City gentlemen thought that I had no right to interfere in this matter. I said to them that I had for the reason that I considered it an injustice to the township, and from the fact that a number of citizens of the city which I represent were property holders in that township. I also stated to the mayor that I believed the sole object of Saginaw City in acquiring this strip of territory was for the purpose of deriving revenue therefrom without giving any corresponding benefit, and in talking this matter over Mayor Shackelton said in effect, that Saginaw City would agree to place upon that strip of ground certain improvements. I asked him to put his proposition in writing.

He hesitated somewhat saying that perhaps he was exceeding his authority in doing so, but after thinking it over awhile he said he would put the proposition in writing, but that he would not sign it until after he had talked it over with some of his people in Saginaw City, to see whether they would sustain the course that he had taken. I said very well then we would go to Saginaw in the morning. He then made this proposition in writing, afterwards made what I see to be a copy of it and addressed it to myself, and with that understanding that we should go to Saginaw in the morning we separated and met at the train, went to Saginaw, and after reaching his city he talked the

matter over with controller Binder and some other citizens of that city and then signed his name, the signature being made in Saginaw City. We came back upon the train that night without having accomplished anything relative to the matter in dispute. That is all that I know about this matter.

Q. Until this matter which is now being investigated arose was not Mr. Dakin's character for honesty and sobriety good so far as you know?

A. So far as I know, yes, sir.

Q. Never heard aught to the contrary did you?

A. No, sir.

Q. He never has made any proposition to you nor to any member in your presence for the purpose of corrupting or unduly influencing you in any way?

A. No, sir; he has not.

TESTIMONY OF ANTHONY BYRNE.

Anthony Byrne, a witness called on behalf of the respondent, being duly sworn testified as follows:

Examined by Mr. Dodge.

Q. Where do you reside?

A. Saginaw City.

Q. How long have you lived there?

A. About 23 years.

Q. What is your business?

A. I am in the grocery business at present.

Q. Are you acquainted with Mayor Shackelton?

A. I am.

Q. Did he take you up to Mr. Dakin's house with reference to this subject of legislation in the interest of the Saginaw City charter?

A. He took me up there to see Mr. Dakin.

Q. Will you please state what there is about it, about your going up there?

A. We saw Mr. Dakin. They first commenced talking about a railroad belt running through the city, and they had no outlet for water except they had a piece of Carrolton that runs between the river and Saginaw City. Mr. Shackelton asked Mr. Dakin what he thought about it and if he needed any help in Lansing to help get that charter bill through to get the piece of ground. Mr. Dakin said he thought he could use some help, and he was asked whom he thought would be best to take down to Lansing to help him get this charter bill through. Mr. Dakin replied if he had "ex-Governor Jerome, Giles E. Fellows and yourself, Mr. Shackelton, I think it will be all right and think we can get it through."

Q. Did Mr. Shackelton repeatedly insist to Mr. Dakin upon this occasion that they must have the territory of Florence annexed.

Objected to as leading.

Q. Go on and state it all?

A. Then Mr. Shackelton spoke and said, "I suppose it will take some money to get this through." Mr. Dakin said he thought it would. Mr. Shackelton said, "I have not got any money of my own, but if the old controller Dickson were there I could get some; but as it is with Binder there I don't know how it will be."

Q. Was anything said at that time as to what this money should be used for?

A. No, sir; only for expenses.

Q. Was anything said by Mayor Shackelton to Mr. Dakin about this territory of Florence being annexed?

A. Yes sir; he said if that piece could be annexed it would give them a good drainage for the water to go out from Saginaw to the river.

Q. What reply did Mr. Dakin make to Mr. Shackelton when he was talking about annexing the territory of Florence?

A. I cannot recollect the reply.

Q. Proceed and state all that you can state that took place that you can recollect?

Mr. Conductor Herrington—I rise to make an objection, that the whole of this testimony is incompetent, for the reason that he is detailing a conversation between Mr. Dakin, Mr. Shackelton, and the witness, and Mr. Shackelton has not been put upon the stand previously, and the witness they are examining for the first time, and on their own behalf it is not contradicting anything that has been previously said, and is in no way material to this issue.

Mr. Dodge—I do not imagine that my friend's objection needs any reply from me. It would seem to me that there can be no question but what this is eminently proper testimony to produce here.

The Speaker—The witness may answer the question.

Q. What reply did Mr. Dakin make to Mr. Shackelton when he was talking about annexing the territory of Florence.

A. I don't know that I can recall any reply.

Q. Is that all the conversation you heard that day.

A. No, sir.

Q. Please relate it.

A. They talked that if they had that territory they could run a railroad belt through that way, through the back part of the city, and what a good thing it would be for the city if they could get it.

Q. Is there anything more in that connection that you heard between these parties?

A. I don't remember of any more.

Q. And this conversation that you have related took place on Sunday preceeding the 19th of April?

A. On the 16th of April or the 17th, don't remember which.

Q. I understood you to say that Mr. Shackelton came to you and took you up to Mr. Dakin's house?

A. Yes, sir.

Q. Did he take you to meet any other member who was finally appointed on that committee?

A. We drove from Mr. Dakin's house to Mr. Fellows'. Mr. Fellows was not at home. We met him afterwards on the street.

Q. And there did you have a talk with him regarding his going down to Lansing.

A. Yes, sir.

Q. State what that conversation was between Mr. Shackelton and Mr. Fellows?

A. We met Mr. Fellows and Shackelton said, "Well, Mr. Fellows, I guess you will have to go to Lansing to-morrow." Mr. Fellows said, "What for?" Mr. Shackelton replied, "We want you down there in the interest of this

charter bill." Mr. Fellows said, "I have no money. I have spent thirty or forty dollars of my own money before, and I do not propose to spend any more of it."

Q. What reply, if any, did Mr. Shackelton make to that statement?

A. Mr. Shackelton said, "I have no money either, but if Dickson or the old controller were there I think I could get some; but as Mr. Binder is there now I do not know whether I can or not."

Q. What else was stated between those parties at that time?

A. He presumed he could make arrangements so that he could have some money.

Q. What else, if anything?

A. He said he had been talking this matter over with Mr. Dakin and Mr. Dakin told him he thought that ex-Governor Jerome and he would be good men to take down to Lansing and he proposed to have them go down. He said "Mr. Jerome is well acquainted at Lansing, knows most of the representatives and he is a Republican and he can state about this charter bill to them, and that Mr. Fellows was a member of the G. A. R. Post and he could probably talk with them and state to them the condition of the bill and see if they could not have it passed; and Mr. Shackleton was mayor of the city and he could probably influence the Democrats.

Q. That was substantially all that was said between Mr. Fellows and Mr. Shackleton?

A. About all I remember.

Q. Did Mr. Fellows, before you separated, consent to go down to Lansing?

A. I think he said he would go down in the evening.

Q. You say you have known Mr. Dakin how many years?

A. I should judge 6 or 8 years.

Q. What is his general reputation in the neighborhood where he resides for truth and veracity?

A. It is good.

Q. Did you ever hear it breathed or intimated that Mr. Dakin was anything but a straightforward, scrupulously upright citizen?

A. I have not.

Q. Is this the first intimation or insinuation that you have ever heard against Mr. Dakin's character and reputation?

A. It is.

Q. Was it distinctly understood at the time you were at Dakin's house that if any money was used or raised or sent down that it must be simply for social purposes and nothing else?

A. I understood the money was to be used for expenses.

CROSS-EXAMINATION BY MR. CONDUCTOR HERRINGTON.

Q. You say that Mr. Shackelton spoke and said it would be necessary to take some money down to get this charter through?

A. To take some money down for expenses,

Q. Is that what you said when you first made the statement?

Mr. Dodge—The record will show.

The Speaker—Answer the question.

A. It is.

Q. Did you not use this language, "Mr. Shackelton spoke and said it would be necessary to take some money down to get this charter through, but I have no money of my own." Are not those your exact words?

A. They are.

Q. Did you make a true statement when you stated those words?

A. I think I did.

Q. Why do you now say that he said "Take money for expenses?"

A. That is what I supposed it was.

Q. Then the expenses are what you supposed, and not what he said?

A. Yes, sir.

TESTIMONY OF REPRESENTATIVE GREEN.

Representative James A. Green, being duly sworn, testified as follows:

Examined by Mr. Dodge:

Q. You are a member of the House of Representatives?

A. I am.

Q. Where do you reside?

A. Bay City.

Q. How long have you lived in Bay City?

A. Six years.

Q. Where did you formerly reside before you took up your residence at Bay City?

A. I think I lived eight years in this strip of territory that there has been so much talk about, in Florence.

Q. And you have lived in the Saginaw Valley about how many years?

A. I have lived in the Saginaw Valley 18 or 19 years, I think.

Q. Are you acquainted with Frederic L. Eaton?

A. I am.

Q. How long have you known him?

A. I think 15 or 18 years.

Q. When were you first introduced to him?

A. I never had an introduction to him in my life.

Q. Did you hear Mr. Eaton testify that he was introduced to you by Senator Wisner or somebody else down at the Eichle Hotel, and that he met you there and there formed your acquaintance?

A. I don't remember the language he used.

Q. Were you introduced to him in the Eichle House this last winter?

A. I will make this statement and you can call it what you please: I stepped up to him and shook hands and said, "This is Mr. Eaton," and he said, "This is Mr. Green," and that is all there was of it. That is my recollection of it.

Q. You never was introduced by any outsider?

A. Not that I recollect of.

Q. You would remember it?

A. I should think so.

Q. You have been on speaking terms and acquainted with him for upwards of 15 years?

A. I should think it was about that length of time. I think it is as long ago as that since I first got acquainted with him.

CROSS-EXAMINATION BY MR. CONDUCTOR DIEKEMA.

Q. If you had been acquainted with him for fifteen or sixteen years, why did you say, "This is Mr. Eaton?"

A. I think it has been some eight, possibly ten years since I had seen him before.

Q. Then you recognized him, and not he you?

A. Well, it seemed to be mutual, both about the same time.

Q. Didn't you tell him that your name was Green?

A. I think he said, "This is Green," and I said, "This is Mr. Eaton."

Mr. Dodge—You approached each other and he said, "This is Mr. Green," and you said, "This is Mr. Eaton?"

A. Yes, sir; I had met just at that time some other Saginaw City men.

TESTIMONY OF JAMES H. SHACKLETON.

John H. Shackleton, being duly sworn, testified as follows:

Examined by Mr. Holden.

Q. Are you the present mayor of Saginaw City?

A. I am.

Q. Did you hold a city office during the two years last preceding?

A. I held a city office one year.

Q. What was it?

A. Alderman from the Fifth Ward.

Q. Then when you were elected mayor this spring, your office as alderman had not yet expired?

A. No, sir; I resigned that.

Q. I suppose you are acquainted with Frederic L. Eaton?

A. Yes, sir.

Q. And Mr. Dakin?

A. Yes, sir.

Q. And the other witnesses that have been sworn residing in Saginaw City?

A. Yes; all of them I believe.

Q. How long have you lived there?

A. Going on seven years.

Q. In what business are you engaged?

A. In the flouring mill business.

Q. How long have you been engaged in that business?

A. About fifteen or sixteen years.

Q. Where before going to Saginaw?

A. At Farmington, Oakland county.

Q. How many times did you come down here while you were serving as alderman, in regard to the Saginaw City charter bill?

A. Twice, I should think.

Q. And you have also come down here since then?

A. I have been down once since.

Q. On what day did you come down since you were mayor?

A. A week ago last Monday evening.

Q. Was that on the 18th?

A. I believe it was.

Q. Did you return the same night?

A. No, sir; the next morning.

Mr. Bates moved the suspension of rule I, regarding the House adjourning at six o'clock, in order that the examination of the witness might be proceeded with.

Which after discussion was withdrawn.

On motion of Mr. Simpson,

The House adjourned.

Lansing, Thursday, April 28, 1887.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Callen.

Roll called: quorum present.

The House resumed the investigation of the charges against Representative Dakin.

The Speaker—Counsel on behalf of the accused will proceed with the examination of their witnesses.

John H. Shackleton recalled.

Examined by Mr. Holden.

Q. Did Mr. Dakin at any time solicit or endeavor to procure any money from you?

A. No, sir.

CROSS-EXAMINATION BY MR. HERRINGTON.

Q. How long have you lived in Saginaw?

A. Between six and seven years—six years anyway.

Q. You were an alderman of Saginaw last year?

A. Yes, sir.

Q. And you are the present mayor of Saginaw?

A. Yes, sir.

Q. Elected at the last election?

A. Yes, sir.

Q. When did you first come to Lansing in regard to this Saginaw charter?

A. I think it was about the 16th or 17th of March.

Q. Where did you stop?

A. At the Eichele House.

Q. When did you next come?

A. It was about four or five days after that—the 24th or 25th.

Q. Where did you stop at that time?

A. At the Eichele House.

Q. When did you come again?

A. A week ago last Monday evening.

Q. And where did you stop upon that occasion?

A. In the same place.

Q. Mr. Dakin was stopping at the Eichele House during all those visits of yours here?

A. Yes, sir.

Q. You say you came Monday evening?

A. Yes, sir.

Q. Who came with you?

A. I don't think there was anyone from Saginaw.

Q. Did you see Mr. Dakin that night?

A. I met Mr. Dakin in his seat here I think.

Q. Did you have any talk with Mr. Dakin on Monday evening with reference to the Saginaw charter?

A. Yes, I talked with him a few minutes.

Q. What was the conversation which passed between you and Mr. Dakin on Monday evening with reference to the Saginaw charter?

A. I don't know but we talked very much. I asked him how everything looked. I don't just recollect what answer he made me. We talked perhaps five minutes, and Mr. Linton came to me in the hall.

Q. Were you talking about the Saginaw charter during that five minutes?

A. I could not say now what we were talking about, I know the charter was mentioned.

Q. When you first asked him how it was getting along what was his reply?

A. I think he told me we would have a hearing the next day.

Q. Is that all that you remember that was said with reference to the charter?

A. I think that is all I have a recollection of now.

Q. Did you not say you were going to compromise with Mr. Linton so that this trouble would be ended and the bill would go through without any opposition?

A. No, sir, not until I had talked with Mr. Linton; Mr. Linton was the first man that approached me upon the subject.

Q. Did you not on Monday evening state that to Mr. Dakin?

A. After the House adjourned I walked out into the hall and started to go to the hotel, and Mr. Linton came to me and says the —

Q. I don't care for that; I ask you if on Monday evening you did not state to Mr. Dakin that it was best to compromise the matter and settle it up and have no more trouble about it?

A. I know nothing about compromising it.

Q. On Monday evening?

A. Not until after I had talked here, after I had talked with Mr. Linton, he was the first man to talk compromise.

Q. After you had talked with Mr. Linton did you have any talk with Mr. Dakin on Monday evening?

A. Yes, sir.

Q. Did you say to Mr. Dakin, after talking with Mr. Linton, that you thought it would be best to settle the matter by a compromise?

A. I think I did.

Q. And have no further opposition to the bill?

A. I think I did.

Q. What did Dakin reply to that?

A. He thought it would be a good plan.

Q. Did you have any further talk with Dakin on Monday evening with reference to the charter?

A. Not that I recollect of in particular. There was something said about it once or twice in the presence of Mr. Linton.

Q. You and Mr. Linton came to an agreement on Monday evening, as I understand it?

A. Yes, sir.

Q. Did you see Mr. Dakin on Tuesday morning?

A. Yes, sir.

Q. At what time?

A. About 7 o'clock.

Q. Where?

A. At the hotel, and from there up to the railroad station.

Q. You went back to Saginaw on Tuesday morning?

A. Yes, sir.

Q. Mr. Linton went with you?

A. Yes, sir.

Q. Who walked with you to that train?

A. Mr. Dakin and Mr. Fellows.

Q. Now will you state to the House all that was said between Mr. Dakin, Mr. Fellows and yourself while walking to the train on Tuesday morning?

A. I don't know, we talked about a good many different things.

Q. I mean in relation to the charter?

A. I don't think there was anything said about the charter until we got pretty near to the depot. Mr. Fellows spoke about being out of money, or something to that effect. I asked him if he did not get some money at Saginaw. He said no. He said "I have got sixty or seventy cents to pay my hotel bill and my car fare home." I said "You are in bad shape," and I put my hand in my pocket, took a bill out, \$5, and gave it to him. I had \$2 in my hand and I said "Here, Mr. Dakin, the Saginaw men have had a good deal of fun out of this charter business and you have not had even a glass of beer. You take this and buy yourself some cigars." I think those were the words I used. Mr. Dakin said "I don't smoke now," and offered to hand it back. I said take it and buy some beer with it then." He put it in his pocket and walked on to the depot.

Q. Why did you say "You have not even had a glass of beer—take it and buy cigars with it."

A. I don't know. It came into my mind at that time and I don't recollect that there was anything more said about it.

Q. If he had not had any beer, why did you say buy cigars?

A. I said buy cigars first. He said he did not smoke any.

Q. You wish to correct your statement that you made a moment ago?

A. I said it just as it took place there.

Q. Will you please give us word for word that conversation as near as you can?

A. I have already given it to you.

Q. You do mean to say that you gave it as it occurred word for word?

A. I think so.

Q. Who first brought up the subject of money?

A. I could not say as to that. I think it was Mr. Fellows who spoke about being out of money.

Q. Did you first mention the subject of money?

A. I think not.

Q. You are sure of that?

A. Pretty sure of it.

Q. You don't know whether it was Dakin or Fellows that first mentioned it?

A. Dakin has never mentioned money to me that I know of.

Q. Then it was Fellows?

A. It might have been me or it might have been Fellows. I could not swear positively which one it was.

Q. Did you not say a moment ago that you were sure it was not you?

A. To the best of my recollection I think Fellows spoke about being out of money.

Q. Did you not say that you were sure you did not first mention the subject of money?

A. I am sure of that now.

Q. You are sure that you did not?

A. Yes, sir.

Q. You are sure that Mr. Fellows was the man who first mentioned the subject of money?

A. I am pretty sure.

Q. Did you hear Mr. Fellows' testimony yesterday?

A. I heard a part of it.

Q. Mr. Fellows testified as follows: "On Tuesday morning when we were going to the train Mr. Shackleton asked me if I got any money when I left Saginaw. I told him no, and I put my hand in my pocket, pulled perhaps fifty or sixty cents out and said, that is the extent of my pile." Is that testimony true or false?

Mr. Holden—I object for this reason. We have had occasion to refer to rule 6 governing the proceedings here, which says that the evidence shall be offered and received as in a court of justice, and no lawyer upon this floor will contend for one moment that a question of this kind is proper to be answered. It is for this House, after they have heard all the evidence in the case, to say which of the statements by the various witnesses are true and which are false. It is highly improper and would not be tolerated even in a justice court for one moment. It is competent for them to call the witness' attention to a given point and ask him what he said upon the subject; and I call the attention of the Speaker and of the members of this honorable body to the fact that this is not cross-examination, and I insist that the objection made should be sustained. It is highly improper and incompetent in the form in which it is put to the witness.

Mr. Conductor Herrington—The gentleman says there is no lawyer upon this floor who does not know that his position is correct. He stated that once yesterday, and then in a few minutes afterwards stated that when the Speaker ruled against him he was right, so that I hardly know whether he is sincere in what he says or not. He further says that this is not cross-examination. He asked of this witness whether Mr. Dakin ever had any talk with him about money, or asked him for any money. I am now trying to show what was said between Mr. Dakin, Mr. Fellows and the witness with reference to money.

Mr. Holden—If I may be permitted to reply briefly I will say this in answer to the gentleman, that when the Speaker has ruled I trust that I am sufficient gentleman and sufficient of a lawyer to recognize that I am bound by the ruling, and to accept it as the law governing this case, and in the instance referred to I simply asked the gentleman to conform to the ruling which he had asked the Speaker of this House to establish in that respect. I will abide by the decisions; but I simply ask a decision upon this point of law, which is understood, I believe, by every lawyer upon this floor, that it is for the jury to determine the truth of the statement of any witness, and not for one of the witnesses to sit in judgment upon the testimony of another witness. That is my point.

The Speaker—Answer the question.

A. Well, I don't know that I can answer that positively. We were walking along in a hurry to catch the train and I paid no attention to what was said by either party. All that I recollect is about handing the money to Fellows and Dakin.

Q. You don't recollect any conversation that occurred in reference to it?

A. I know we talked about it for two or three minutes. I wouldn't swear positively whether he approached the subject first or I did.

Q. You now say you cannot say positively who did first mention the subject?

A. I would not swear positively because he might have mentioned it or I might have mentioned it. I could not say as to that.

Q. Did you not a few momens ago testify that you were positive that Fellows mentioned the subject first?

A. It is my opinion he did, but I would not be positive that he did.

Mr. Dodge—I object to that method of proceeding. “Didn't you testify that Fellows did so and so,” the record evidence is the best evidence of it. I submit it is not fair to the witness.

The Speaker—Answer the question.

Q. You cannot say whether you took out \$5 and handed it to him without being asked for it or not?

A. I think he said like this: “I have got to have some money to pay my expenses while I am here, my hotel bill and car fare,” and then I gave him \$5 at that time.

Q. Did Fellows ask you for the money?

A. I think he did.

Q. What did he say when he asked you for it?

A. All he said was, “My hotel bill is to pay and my car fare home.”

Q. Were you putting up for his expenses here?

A. I considered it as a loan because I had no money—it was nobody else's money only my own, and I think I made the remark that he would pay it back “when you get something from your trip,” or something like that.

Q. Are you sure that you said to him that he could pay it back to you?

A. I think I am. That is the way I understood it, that he was to pay it back again.

Q. I did not ask you how you understood it, I asked you if you are sure that you said to him that he could pay it back to you when he got some money out of his trip.

A. I don't know what was said in regard to that.

Q. You will not state that you made that statement to him?

A. There was something said about “I can hand it back to you when I get home,” or something like that.

Q. Who said that?

A. Mr. Fellows.

Q. Give his language as near as possible.

A. When I handed him five dollars I think he said, “When I get my money I will hand it back to you,” or something to that effect. I would not swear positively what it was, but I know he mentioned about paying it back.

Q. Had he asked you to loan him five dollars?

A. No; he asked me to let him have some money, what I could, to pay his hotel bill, or something like that.

Q. What words were used?

A. He says, “I am strapped and I have got no money, can you let me have some until I get home?”

Q. Did he say how much he wanted?

A. No, sir, there was nothing said about the amount.

Q. Did you know whether Mr. Dakin had any money with him at that time?

A. No, sir, I did not.

Q. You did not know whether he had a hundred or five hundred dollars upon his person at that time?

A. I didn't know that he had a cent.

Q. Mr. Dakin didn't ask you for any money?

A. No, sir.

Q. Never mentioned the subject to you at all?

A. Mr. Dakin did not.

Q. And yet you took out two dollars and handed it to him without a word?

A. Yes, sir.

Q. Why did you do that?

A. I don't know hardly why I did it. I did it, and that is about all the answer I can give you.

Q. You stated to the House committee in the judiciary last Monday that you loaned it to him, didn't you?

Mr. Dodge—I object to that for this reason, that Mr. Shackleton, if I understand his coming here correctly, was subpoenaed as a witness upon the part of the prosecution; he was brought before the committee, and we have no means of knowing what he said there, and now he is asking him questions for the purpose of laying the foundation for an impeachment of the man whom they subpoenaed here as a witness upon the part of the prosecution, and, as is suggested, subpoenaed him before the day that the examination was to take place in this House. I submit that it is not only unfair but I submit that it is an outrage, because these gentlemen have sat here and repeatedly said that these men were not subpoenaed on the part of the prosecution, and yet they have been before that committee and been interrogated and their statements taken down in writing. I submit they ought not to do this in this proceeding. It has been tolerated here to some extent without objection, but I submit it ought to end now.

Mr. Conductor Herrington—I will simply say on behalf of the committee that Mr. Shackleton was subpoenaed at the request of Mr. Dakin.

The Speaker—Was Mr. Shackleton subpoenaed before this matter was determined to be tried before the whole House?

Mr. Herrington—I don't know as to that.

Mr. Dodge—If I may be pardoned for asking a question I would like to ask the gentleman whether or not it was not their purpose to have Mr. Shackleton, Mr. Fellows and Mr. Representative Green come before their committee to be interrogated as witnesses upon the part of the prosecution, or any one of those gentlemen?

Mr. Conductor Herrington—I cannot say as to that. I can tell what my own intentions were.

Q. Won't the gentleman state whether or not the committee had knowledge of the fact that these men were to come before their committee and testify?

Mr. Conductor Herrington—I hadn't any myself.

Mr. Dodge—Will some member of the committee please state whether the gentleman came before them and—

Mr. Conductor Herrington—I object to this. They have put this witness upon the stand, and if we had forethought enough to question him beforehand so as to know what he would testify, that is our good fortune; and they cannot now object to the cross-examination simply because we have asked him some questions beforehand.

Mr. Dodge—We raise no objection to that part of this proceeding, and the

single fact of their interrogating this witness, but what we do object to is this parading of the fact before the members of this House, this jury that are sitting here in judgment upon the respondent—parading the fact that this man was subpoenaed here upon a telegram, and yet they have had him before their committee a day before this examination before the whole House, undertaking to find out what he knew about this case. I submit that the lawyer members of this committee are experienced gentlemen, and they ought to know that this is unfair, to say the least. If they came here as our witnesses they had no right, in fairness and in justice, according to the practice recognized in the courts, to call these witnesses before their committee and interrogate them as to what they knew about the facts in view of this proceeding. I submit it is unfair, and I submit that the Speaker is too much of a lawyer to tolerate it if his attention is called to it.

The Speaker.—That part of the proceeding has already occurred.

Mr. Dodge.—The Speaker has tolerated the doing of this one thing, therefore we challenge attention to it that these men are being paraded before this House as witnesses on the part of the defense, and yet the gentlemen are going into an examination that they had in the private committee room that we know nothing about and they are proceeding upon the assumption that these witnesses at that time were witnesses called before their committee upon the part of the prosecution.

The Speaker.—What is the question?

The official stenographer repeated the question as follows: Q. You stated to this committee in the judiciary room last Monday that you loaned it to him, didn't you?

The Speaker.—Answer the question.

A. No, sir, I did not consider that it was a loan.

Q. I did not ask you that question. I ask you if you did not so state to the judiciary committee last Monday?

A. I hardly know what I did state.

Mr. Van Zile—I learn that the statement in the judiciary room was taken down. If this is to proceed in this way, I consider it is unfair. I want to go upon record as far as that is concerned. I submit these gentlemen ought to allow the privilege of seeing the statement that is in writing and not to interrogate the witness as to what he said. If it was taken down, let us have it.

A. I might say this: I was asked questions by I think three different lawyers at the time and got considerably mixed up.

Q. You got considerably mixed up, did you?

A. In that way yes, sir.

Mr. Van Zile—I understand the gentleman now refuses to allow us to see the statements that were made in this star chamber court of theirs in the judiciary committee room. I want that to appear.

Mr. Conductor Herrington—Q. Did you ever appear before Mr. Dodge previous to the commencement of this examination?

Mr. Dodge—That is objected to. There is no question but what he did, but not as a witness on the part of the prosecution. He was our witness and we talked to him in good faith and we call him here now in good faith.

Mr. Conductor Herrington. I am glad to hear the gentlemen own up. He says these men are our witnesses, subpoenaed by us. Now he owns up that he was trying to tamper with one of our witnesses, according to his own statement.

The Speaker.—The witness will answer the question.

The question was repeated by the official stenographer as follows: Q. Did you ever appear before Mr. Dodge previous to the commencement of this examination.

A. I did, for perhaps five minutes.

Q. Did you ever appear before Mr. Holden previous to the commencement of this examination.

A. Mr. Holden come to my house on Sunday a few minutes. He did not talk any about this matter that I know of particularly.

Q. Didn't talk anything about this case?

A. Not that amounted to anything, no, sir.

Q. What did he come there for?

A. Well, I don't know, as I could hardly tell you.

Q. Didn't he come there to see you about this matter?

A. Well, he called on me and we talked—

Q. Didn't he come there to see you about this matter?

A. Well, I think, perhaps he did.

Q. And yet he did not talk to you about it?

A. Well, we talked about different things while he was there.

Q. You stated a few minutes ago that he did not say anything to you much about this case particularly, is that true?

A. Well, I don't recollect now just what he did talk on.

Q. You recollect that he came there to see you about this case?

A. I know he was in my house on Sunday afternoon about fifteen minutes, perhaps twenty minutes.

Q. And yet he did not say anything about this case that you can now remember?

A. No, sir, I don't recollect of anything that was said in regard to it.

Q. You don't recollect that anything was said in regard to it?

A. I think Mr. Holden made a remark like this: He said "The only thing I can do is plead for mercy in this matter." That was about the only thing that I recollect that took place.

Q. To return to this conversation on the way to the train—we have got past this little tempest in a tea pot—what did you say to Mr. Dakin when you handed him this \$2?

A. I said "Take it and buy some beer with it." First I said to buy cigars with it, and then I said "Buy some beer with it," after he said he did not smoke.

Q. Give us the language as nearly as you can just as it occurred.

A. To the best of my recollection now I handed him the \$2 and I said "Here Dakin, the Saginaw boys have had a good deal of fun over this charter and spent some money, and I don't believe you have had hardly a glass of beer out of it. You take this \$2 and buy some cigars with it." I think that was the language I used. He said he did not smoke and offered to hand it back. I said "Take it and buy some beer with it." Those were the words.

Q. What was your purpose in giving him the \$2? Was it not to influence his action in regard to the Saginaw charter bill?

A. No, sir.

Mr. Van Zile—That is objected to; it is in variance to the rule that the Speaker has laid down to state what was said and what was done, not what his intention might have been. Supposing his intention was to corrupt the Legislature, can you convict Mr. Dakin by this man's intention, or could you even compel him to answer the question?

The Speaker—Let the witness state what was said, what took place there.

A. I think Mr. Dakin put the money in his pocket and we walked on to the train.

Q. Was anything said about your loaning it to him ?

A. No, sir, I guess not about the \$2; I don't think so.

Q. You stated Monday afternoon that you loaned it to him, did you not ?

A. Well, I think there was something said about that, but come to think it over I am pretty sure that I gave it to him right out. I am certain of it.

Q. Did you state to the committee when first asked why you gave that to Dakin, that you loaned it to him. You did so state did you or not ?

A. I know I made a remark to pay it back when he got to Saginaw.

Q. No, no. I ask you if you did not state to the committee last Monday afternoon when they first asked you what you gave this money to Dakin for, that you loaned it to him.

Mr. Dodge—That is objected to for the same reason before stated.

The Speaker—Let the witness answer the question.

The official stenographer repeated the question as follows: "I ask you if you did not state to the committee last Monday afternoon when they first asked you what you gave this money to Dakin for, that you loaned it to him?"

A. Yes, sir, I think I did.

Q. You were mistaken about it then ?

A. I was not under oath then. I am now.

Q. Do you mean to say you will tell an untruth when not under oath and tell the truth when you are under oath ?

A. No, sir. I say when I was in that committee room there were three lawyers all asking questions at once.

Q. All at the same time ?

A. Well, they were all talking pretty near all the time.

Q. Did not one ask you questions and the others write down your answers ?

A. Part of the time they did, and part of the time all three of them talked if I recollect right.

Q. Did they intimidate you in any way ?

A. No, sir.

Q. Were they ungentlemanly in any way ?

A. No, sir.

Q. They treated you fairly in every way, didn't they ?

A. In every way; yes, sir.

Q. You were not excited ?

A. No, sir; not that I recollect of now.

Q. Was any undue advantage taken of you whereby you were induced to tell an untruth ?

A. No, sir; not a particle.

Q. You had a conversation at Dakin's house on the 16th or 17th, when Mr. Anthony Byrne was present, did you not ?

A. Yes, sir.

Q. It was with reference to the Saginaw charter bill ?

A. Yes, sir, that was part of it.

Q. You there stated that it would be necessary to take some money down to get this charter bill through, did you not ?

A. I don't think I did.

Q. Then Mr. Byrne's statement that Mr. Shackleton spoke and said it

would be necessary to take some money down to get this charter through was not correct. You did not make any such statement?

A. I don't recollect making any such statement now.

Q. Can you say positively that you did not make this statement, that it would be necessary to take some money down to get this charter through, but that you had no money of your own.

A. I don't think there was anything mentioned about money at Dakin's. When we got to Fellows' there was. I have no recollection of money being mentioned at Dakin's house.

Q. Did you use that language at Byrne's house?

A. No, sir.

Q. Then you never used that language at any place?

A. I think that language was used at Fellows' when we met Fellows on the street.

Q. Did you say to Fellows that it would be necessary to take some money down to get this charter bill through?

A. No, sir. Mr. Fellows stated that he had no money and I told him that if Dickson was controller we could get some money for his expenses, but as Binder was controller now I did not know whether we could or not.

Q. I ask you if you ever stated to any person that it would be necessary to take some money down to get the charter through but that you had no money of your own?

A. No, sir, I never did.

Q. Did any telegrams pass between you and Mr. Dakin or Mr. Fellows on Tuesday of last week?

A. No, sir. I sent a telegram to Crowley about 7 o'clock on Tuesday morning saying:

Q. I don't care for that. I ask you if you sent a telegram either to Mr. Dakin or to Mr. Fellows?

A. No, sir.

Q. Did they send any to you?

A. Not that I ever received.

Q. Did you promise to bring back money to Mr. Fellows or to Mr. Dakin on Tuesday night?

A. No, sir.

Q. Did you promise that in case you did not come back you would telegraph them so that they could get money in that way?

A. They asked me to, but I never made them any reply, because in the first place I did not know where I could get any money, and in the second place I did not think it was necessary, for we had everything all compromised and settled.

Q. Then you did not say to Mr. Fellows, after you handed him the \$5, "I will bring some more when I come?"

A. I have no recollection of saying that.

Q. Did Mr. Fellows then ask you if you would be back that night, Tuesday night?

A. I don't know that he ever mentioned it at all.

Q. And did you reply "I don't know?"

A. The understanding was that we were to come.

Q. Answer the question.

A. I don't recollect making him any such promise.

Q. "But you thought you would." Did you say that?

A. We expected to be back that night, yes, sir.

Q. Did you say to Mr. Fellows that you thought you would be back that night?

A. I think we made the remark that we would be back either that night or the next morning.

Q. Did you also say "If anything happens that I don't come I will telegraph you so that you can get some money by telegraph?"

A. No, sir; I never mentioned money by telegraph in any shape.

Q. You never made that statement in any shape or form?

A. No, sir; because I did not know where I could get any money and did not think we wanted it.

Q. Dakin and Fellows met you at the depot when you came back on Tuesday night, did they not?

A. Yes, sir.

Q. About a half a mile from this building right down this street?

A. Yes, sir.

Q. What time was that?

A. About nine o'clock I should think the train got in.

Q. About 9 o'clock at night?

A. Possibly a little later.

Q. They then asked you if you had brought some money, did they not?

A. I think not.

Q. What did they come down there for?

A. Well, they came down I suppose to see how we had fixed the matter up at Saginaw. I don't know of anything else.

Q. There was nothing said about what they came down for?

A. Not that I recollect of.

Q. What conversation did you have down there? Was there nothing said about this matter at all?

A. We talked about what people thought of the proposition at Saginaw, and I don't recollect whether we came up on the street car or whether walked up. I could not say now.

Q. Did not Fellows ask you if you brought some money back?

A. I think not.

Q. Will you swear positively that he did not?

A. Yes, sir, I think I would swear positively. I am quite sure that Mr. Fellows never mentioned money that night.

Q. You say you think you will? Will you?

A. Well, I would not, because I don't know. There were four or five of us walking along together and talking about different things. He might have remarked that or might not. I would not swear positively that he did and I would not swear positively that he did not.

Q. Did Mr. Dakin ask you anything about whether you brought any money back with you?

A. No, sir.

Q. Was any talk had about money that evening?

A. No, sir.

Q. Any talk about money the next morning?

A. Mr. Fellows made the remark, I think it was the night before, that some money might be used to treat the boys with to pretty good effect, just like that.

Q. That was on Monday night before you went back to Saginaw?

A. I think that was down here when we were together.

Q. Who was present?

A. Dakin, Linton, Fellows and myself.

Q. Give us his language as nearly as you can.

A. That is just about the sum and substance of it, about all there was to it.

Q. Did you make any reply to that?

A. No, sir. I did not think that was the proper way to do it. I thought there had been too much money spent down at Saginaw now for that kind of business.

Q. With whom?

A. Well, different committees that went down there.

Q. Do you mean to say that any money has been spent here among the members of this House?

A. No, sir. If I understand it right there has been a little spent down there in a social way.

Q. With whom?

Mr. Holden—That question is objected to as incompetent and immaterial.

The Speaker—Answer the question.

Mr. Conductor Herrington—I propose to show that it was not among members of this House.

The Speaker—Answer the question.

Mr. Holden—The witness does not claim to have knowledge. He said he had understood some had been used in a social way, but he does not claim to have knowledge in regard to it; it would be entirely hearsay.

The Speaker—If he knows anything about it, let him tell.

A. I don't know anything only what I have heard in a hearsay way. That is the amount of it. It is immaterial anyway.

A member—Who is to judge of that?

Q. Did you hear that the money was spent among the members?

Objected to as hearsay and immaterial.

Mr. Conductor Herrington. I admit that it is hearsay, but it seems to me that the gentleman ought not to object to that question.

The Speaker—Let him answer the question.

Q. You did not hear that any money was spent among the members did you?

A. Well, I could not say that there was any money spent—no. They took them around in hacks and treated them a little—took them around in carriages. I know in the Taylor House we met a few of them and we had a social drink apiece.

Q. Where was that?

A. At Saginaw.

Q. That did not occur in Lansing?

A. No, sir.

The Speaker—Who were they?

A. I don't know as I could tell you. Senator O'Reilly was one of them. I don't know the names of the committees that were down there. There were two or three committees.

Q. Who else?

A. I don't know as I could tell you.

Q. Do you know of your own knowledge that they were members of the House of Representatives?

A. I know there was one or two of them were.

Q. Do you know that of your own knowledge?

A. Yes, sir.

Q. Who were they?

A. Mr. Rentz was one of them.

The Speaker—Who were the others?

A. I cannot recollect his name now.

Q. Who took them around in carriages?

A. I don't know. Mr. Barnard had one rig. I don't recollect who drove the other one. It was to look over the territory of Florence.

Q. It was to look over the territory so they could see whether it was proper for it to be attached to Saginaw?

A. Yes, sir.

Q. It was not done for the purpose of influencing votes in that way?

A. No, sir, that was not thought of at all.

Q. Who was the other man?

A. I don't know as I can tell you.

Q. Then how do you know that he was a member of this House, if you do not know who he was?

A. I saw him here lots of times, but I could not place him now.

Q. Can you see him now?

A. I don't know, there are a good many faces here. No I don't believe I can.

Q. Will you say that you know that person to be a member of this house?

A. I think I would.

Q. Yet you do not know his name?

A. No, sir; I have forgotten his name.

Q. How did they happen to go up there to Saginaw?

Judge Van Zile—I don't want to take any of the time of the house, but I would like to have it go upon the record that it may be known how it is that we are cross-examining witnesses in this proceeding. I object to this that it is not proper cross-examination. Not one word was said in the direct examination about this subject, nor is it a subject that appertains to this issue here. We are not trying the justice of the members, we are trying Mr. Dakin.

Mr. Conductor Herrington.—The witness volunteered it, and then I asked to have him explain.

Judge Van Zile.—That does not not make it any the more relevant.

The Speaker.—There has been considerable testimony taken here that has not been relevant. What we want to get at is the facts.

Witness.—I believe Mr. Oviatt was one of the gentlemen.

The Speaker.—The objection can go on the record if desired.

Q. Did Mr. Fellows tell you at any time that he had used \$30 of his own money?

A. I think when Mr. Byrne and I went to see him he made the remark that he was out \$30 on this charter business.

Q. Did he say how he had spent the money?

A. No, sir, he did not.

Q. Did not Mr. Fellows say to you at the time that you gave him the five dollars and Dakin the two dollars, "We are both strapped?"

A. He made the remark that he was strapped. I don't know whether he said Dakin was or not.

Q. Did you not state in the committee room last Monday afternoon that Fellows said "We are both strapped?"

A. I would not swear positively whether he said both or "We are strapped."

Q. I ask you if you did not state in the committee room last Monday afternoon to the committee that Mr. Fellows said "We are both strapped?"

A. I don't know but I did—I think I did. I know that Fellows said like this, "We are strapped." I don't know whether he said both or not.

Q. He said "We are strapped?"

A. I think those were the words he used.

Q. Did he make any statement that Dakin had used any money?

A. No, sir.

Q. Did you not so state to the committee?

A. That Dakin had used money?

Q. That Fellows said that Dakin had used money?

A. I think not.

Q. Will you state that you did not so state to the committee?

A. I have no recollection of saying that now—that Dakin used money.

Q. Used \$5 or \$6 of his own money when he said they were strapped?

A. That Dakin had used some of his own money?

Q. That Dakin had used some of his own money.

A. I have no recollection of ever hearing it mentioned before.

Q. I am requested to ask this question: Did Mr. Oviatt take a drink of liquor or smoke?

A. I could not say as to that. There were probably twenty in the bar-room.

Q. You cannot state that Mr. Oviatt drank any liquor?

A. No, sir.

Q. You cannot state that Mr. Rentz drank any liquor?

A. No; I know they were having a good, social time.

Q. You know they were in the room, but you don't know whether they took any liquor or cigars?

A. I could not swear positively.

A. I know I treated once, and it cost me \$1.50; I know that much.

Q. Did that \$1.50 go to treat the members of this Legislature?

A. It went to treat the whole house.

Q. Went to treat the house. You don't know whether the members of the Legislature drank anything or took any cigars?

A. I did not stop to see. I asked everybody to have some. I don't know whether they got it or not. I paid for it anyway.

Examined by Mr. Holden:

Q. Were you subpoenaed to appear before a special committee of the House previous to the day set for the examination of this case to commence in this hall the day previous?

Mr. Conductor Herrington—Ask him if he has the subpoena.

Mr. Holden—I will ask my own questions.

The Speaker—His subpoena is the best evidence.

Mr. Holden—If they are sensitive upon the point I will not press it.

The Speaker—The following question has been sent to the Chair to be asked: Have you at any time during the present session of the Legislature heard the name of any member of the House mentioned by Mr. Dakin, or in his presence, in regard to the use of money in connection with any matter of legislation pending in this House, other than as stated in connection with the fifteen members already testified to?

A. No, sir, I never have.

Q. Have you ever heard of any money being used with those fifteen?

A. No, sir, in no shape, manner or form.

Mr. Holden—Or any one of them?

A. No, sir.

Mr. Conductor Herrington—Or that any could be used with them?

A. No, sir; unless it has been as stated here, taking them out and given a drink?

Q. Whom did you ever hear say that any of the fifteen could be taken out and given a drink?

A. I don't recollect any of them.

Q. Did you hear anybody so state?

A. No one but Mr. Fellows.

Q. What did he say?

A. He said you might take some of them out and have a social time.

Q. Some of those fifteen?

A. No.

Q. Why did you state as you did?

A. I mis-spoke myself in regard to the fifteen.

Q. You never heard him say that those fifteen could be taken out?

A. No, sir.

Q. Did you have a talk at the Eichle House on Tuesday night with Mr. Eaton and Mr. Tillotson about money?

A. Not about money.

Q. Did you have a talk with them there at all?

A. Yes, sir.

Q. Did you not say that Dakin wanted you to bring or telegraph money, but when you got home you found the compromise was satisfactory and you did not try to secure any money?

A. No, sir. I said Fellows had been talking about some money.

Q. Did you say that Fellows wanted you to bring or telegraph money and when you got home you found that the compromise was satisfactory and you did not try to secure any?

A. I don't recollect giving him any such answer. I told him like this, every time they mentioned money to me I never made any reply.

Q. You told them that every time they mentioned money to you gave them no reply?

A. I think that was the answer I gave.

Q. Why did you use the word they, if Mr. Dakin said nothing about money?

A. They were always together. That was the reason I suppose. I don't know what else it could have been.

TESTIMONY OF L. M. SELLERS.

L. M. Sellars, being duly sworn on behalf of the respondent, testified as follows:

Examined by Mr. Dodge.

Q. Where do you reside?

A. Cedar Springs, Kent Co.

Q. What is your business?

A. Newspaper publishing.

Q. Four years ago you were a member of the House of Representatives?

A. I was.

Q. Two years ago?

A. Yes, sir.

Q. What office did you hold in the House two years ago?

A. The office of Speaker *pro tem.* of the House.

Q. Have you been here in Lansing this session of the Legislature on several occasions?

A. I have.

Q. Are you a honorary member *ex-officio* or do you hold any position in the organization known as the Third House?

A. I did.

Q. What is your official position, so to speak, in the Third House?

A. I was elected speaker *pro tem* of the Third House at the opening of the body.

Q. Who is the Speaker of the Third House?

A. The Hon. Timothy Nester of Marquette.

Q. During your experience of four years ago and two years as a member of the Legislature, was it not a very common practice to have meetings of the Third House in the lobby and in the postoffice department, where oranges and cigars were provided by men interested in legislation; for members of the House and those gentlemen who participated in those proceedings?

Mr. Conductor Herrington—We object to that as incompetent and immaterial.

The Speaker—The chair does not see any relevancy to the issue.

Mr. Dodge—It is simply to show that oranges and cigars have for several sessions past of the Legislature been sent into the House of Representatives and into the Senate chamber, to the members, by gentlemen who are here in the interest of legislation, and not with the intention of corrupting any individual member of the Legislature generally, but simply for the purpose of sociability, and in the same manner that has been talked about that the money was to be expended if sent down from Saginaw. It is simply for the purpose of giving them to understand. Yesterday, if the Speaker please, we showed that cigars were used in one of the committee rooms. I happened to have the honor of being personally acquainted with the individual members of that committee, and I know each and every one of them to be scrupulously honest men, and it would seem to me if this objection is sustained it would be a slight reflection upon the members of that committee, and therefore we want to show that it is not only the general custom in the Legislature, but in the city of Lansing to entertain members by treating them to cigars, oranges, confectionery, and things of that kind, in a perfectly legitimate manner, and further, that entertainments have been given, we desire to show, at the Eichle House, at the Lansing House, and been given by the members of the Legislature of the present session without any evil intent or anything of that kind ever having been imputed to them by anyone. This is simply to show the general custom of the manner and the methods of conducting affairs here at Lansing.

Mr. Conductor Diekema—We on the part of the committee have no objection to any question relative to the Third House pertaining to this session. There are a few of the old members belonging to this Legislature, and it is

unfair or incompetent to go beyond this Legislature. If the gentleman will confine it to this session we as a committee have no objection.

Mr. Dodge—I shall be pleased to do that, only from the fact that several of the men numbered as of the fifteen are men of my personal acquaintance, and men with whom I myself have served in the Legislature. Men whose character and reputation is unquestioned, who have never been approached in any corrupt manner in the world, and I submit that they, having knowledge that two years ago, and four years and six years ago there was such a custom, if it is proper to show it in reference to this session, it is proper to show it two years, and even further back than that. Mr. Dakin, the accused, was a member two years ago. The witness was a member two years ago, and also my esteemed friend, Mr. Rumsey, and other men of the immortal fifteen, Mr. O’Keefe and others, and indeed quite a number of them; but they do not all occur to me at this moment.

The Speaker—I do not think there is any necessity for that testimony.

Mr. Dodge—Then, Mr. Speaker, since the committee consent that the question may pertain to this present Legislature do I understand the chair that he does not desire that he shall proceed with this session?

The Speaker—The chair has no objection as to this Legislature.

Q. During the present session of the Legislature has there been any meetings of the Third House in which persons in the capitol have participated?

A. There have.

Q. How many meetings have there been held?

A. I could not state the number. I should state three perhaps.

Q. And on those occasions were there various members of the House and Senate in attendance upon the meetings of the Third House?

A. There were.

Q. Was there any confectionery or tropical fruit and cigars purchased by the gentlemen on that occasion?

A. Not to my knowledge.

Q. Was there any money raised for any particular purpose, or assessment made?

A. There was.

Q. For what purpose?

A. The matter was brought to the Third House owing to the neglect of a duty by the Second House here two years ago in regard to the reverend gentlemen who came up here and prayed for the sinners here.

Q. The sinners that were here then?

A. Yes. That they did not even, two years ago, give the reverend gentlemen a vote of thanks. Four years ago, I understand, they did that much for them. The Third House took the matter under consideration, and in order to raise that money, I think \$100, they made an assessment at the opening of the Legislature on the Senatorial candidates. I think I have with me the resolution.

Q. Don’t understand me as trying to inquire into the Senatorial canvass. We simply want to get at the fact as to whether or not money has been used.

Mr. Manly—As one of the jurors I would like to have the very inside facts, and if it involved any of the Senatorial candidates we would like to know it.

A. The assessment for this purpose was made as all other assessments were made in the Third House during this session as far as I know, and they were

made like this for the reverend gentlemen who came here every morning and offered prayer, to the Lyons' sufferers, and I understand a few widows and orphans in the city that some wood and flour had been appropriated to, and I was about to state how the money was raised. The Third House passed a resolution to raise this money, and the money in the Third House has been raised only from candidates from the United States Senate, and State officers elected or holding an appointive office in the State.

Q. You do not mean to say that the custom and practice of the Third House this session is any different from previous sessions, they take in everybody who has an interest in legislation and make assessments, providing they are brought before that honorable body?

A. There was no gentlemen brought before that body during this session that had any legislation or was interested in any to my knowledge. I have the resolutions, and I would offer them to the clerk to read, to show what this money was raised for and how.

Q. You may read it if you please?

The clerk read as follows :

THIRD HOUSE OF REPRESENTATIVES, }
General Order No. 2. }

WHEREAS, this House is informed that several gentlemen of State and national reputation are now in the city for the purpose of inducing the present Legislature to elect one of their number as the successor of Omar D. Conger in the United States Senate, and

WHEREAS, owing to the difference of opinion as to which of these gentlemen shall be elected, there is liable to be a protracted discussion, and possibly some deviations from the strict teaching of christianity, and

WHEREAS, this great State has neglected by proper enactment to provide pay for the reverend gentlemen who, on each morning of the session of the Legislature of the State of Michigan, utter words of wisdom and supplication for the atonement of man, therefore

Resolved, That the first duty of this House shall be to provide compensation for the reverend but neglected gentlemen. And be it further

Resolved, That the gentlemen whose names have been mentioned as candidates for the exalted office of U.S. Senator are hereby cited to appear before the bar of this House, within a reasonable time, and be required to contribute such sums as this body may deem just, in aid of the long neglected workers in the vineyard of the Lord.

TIMOTHY NESTER,
Speaker Third House.

Attest:

F. W. PHILLIPS,
Acting Sec'y Third House.

L. Mc. K. SELLERS,
Speaker pro tem. Third House.

Q. Do you know whether or not any money has been used for the purpose of buying cigars for the members of the Third House or any one else?

A. I do not.

Q. Have cigars been provided gratuitously for members generally and for members of the Third House in the postoffice department?

A. There were not at any meeting. I was at but one meeting of the Third House during the present session.

Q. You have only attended one meeting ?

A. That is all.

Q. How many meetings have there been of the Third House to your knowledge; is there an official record of them ?

A. I think there is; as I understand, three.

Q. As an officer of the Third House I would like to ask you if it is not true that the money usually raised by the Third House is used, in part, for not only the purposes you have stated but for buying cigars, and oranges and fruit ?

Mr. Conductor Diekema—I object to the question so far as it goes beyond this session, under the ruling.

The Speaker—Confine your questions to this session.

Q. The money that has been raised in the Third House during the present session is all in the hands of the treasurer, at the present time, the Post Mistress in the postoffice.

Q. You don't know of any particular use that has been made of it this session ?

A. Not outside of what I have stated.

Q. Have you any personal knowledge of there being in any of the committee rooms any cards displayed similar to the ones stated by the Hon. Mr. Bates, at this session, with regard to cigars ?

A. I have not noticed any.

Q. Were you present on the occasion when the Hon. Senator from the 32d district had his banquet ?

A. I was not.

Q. Were you here at the time of the reception given by the president of the Senate ?

A. I was not.

Q. Not on either of those occasions ?

A. No, sir.

Q. You served in the Legislature two years ago with Mr. Milo H. Dakin from Saginaw ?

A. Yes, sir.

Q. You are acquainted with him ?

A. At the opening of the session two years ago first.

Q. During your acquaintance with Milo H. Dakin have you ever heard it insinuated or intimated that he was anything but an honest man in his private character and in his official position here in the Legislature ?

A. I have not.

Q. Up until the time that these charges were preferred I mean ?

A. I have not.

CROSS-EXAMINATION BY MR. CONDUCTOR DIEKEMA.

Q. Is the Third House composed of any of the members of the Legislature ?

A. They are honorary members as I understand it.

Q. Do the members of the Legislature take any part in the proceedings of the Third House ?

A. Not to my knowledge.

Q. It then is composed of gentlemen from outside that are here visiting ?

A. Yes, sir. Of course the members of the present House are members there and enjoy the entertainment with the rest and perhaps participate, in a social way. In the workings of the House I do not know that they do.

Q. To your knowledge where was the money raised by the Third House this year used ?

A. For the purpose stated.

Q. Did you state the amount ?

A. I could not give the amount at present. There was one hundred dollars I believe raised for the ministers here. The other amounts I could not give. The treasurer has it in the postoffice. I would like to state that the Third House gave \$25 to Mr. Button of Grand Rapids, the crippled soldier who has a bill here in the Senate at the present time.

Q. Was there anything appropriated for the Lyons sufferers ?

A. There was.

Q. Do you remember the amount ?

A. I do not.

Re-direct examination by Mr. Dodge:

Q. From whom was this money raised ? Simply those interested in the Senatorial contest ?

A. No, sir.

Q. Outside parties ?

A. Outside parties over the State. Mr.——

Q. Never mind any names, but from outside parties that were present at the capitol.

A. Yes, sir.

The Speaker read the following question:

Q. Have you at any time during the present session of the Legislature heard the name of any member of the House mentioned by Mr. Dakin or in his presence in regard to the use of money in connection with any matter of legislation pending in this House other than as stated in connection with the fifteen members already specified, or any of the fifteen ?

A. I have not.

Mr. Manly—I would like to ask Mr. Sellers what candidates for the United States Senate contributed to this fund ?

Mr. Conductor Diekema—That is objected to.

Mr. Manly—It seems to me it is a proper question. The gentleman has asked the question and we want the whole facts.

The Speaker—The witness may answer the question.

A. I could not state as to that. There was a committee appointed to wait upon the honorable gentlemen who were candidates, and the committee called on quite a number but they did not all respond, and a part did respond I am quite sure. I think there was about one hundred dollars raised.

Mr. Manly—Does that paper contain the names of those who subscribed to this fund ?

A. It does not.

The Speaker—Were there any oranges or cigars purchased for the members of the present House by the Third House, to your knowledge ?

A. No, sir.

Mr. Dodge—Mr. Speaker, I would like to ask the Speaker to reconsider the ruling with reference to confining the oranges and cigars to the present House, only for this purpose: I don't want to have it understood that we are undertaking to draw out that testimony for the purpose of reflecting upon this House, but it is simply a custom that has been in vogue here for a long time and carried on without any one giving any sort of attention to it

or thinking there was anything wrong at all. I would like to put myself upon the record that I, and very many of the men here in these fifteen members of this present House, have participated in the meetings of the Third House. I want to say that my motive in getting this out is the best possible, simply to show that this is a custom and it dates back of this Legislature.

The Speaker—The Speaker is much pleased to know that it dates back of this Legislature and that nothing of the kind has taken place during this Legislature, and is fully of the opinion that testimony of that kind should not be admitted.

Mr. Manly—I would like to ask the gentleman some questions.

The Speaker—The gentleman will remember the rule.

The following question was read by the Speaker:

Q. Did not Mr. A. W. Wright and Mr. Pollaski and Dr. Langsdorf pay into this fund the sum of ten dollars each?

A. Not to my knowledge. I would state to the House that that matter was before the Legislature at some session of the Third House from which I was absent.

TESTIMONY OF FRANK W. PHILLIPS.

Frank W. Phillips, being duly sworn, testified as follows:

Examined by Mr. Dodge.

Q. Where do you reside?

A. Lansing at the present time.

Q. What is your business?

A. I am a journalist, correspondent of the press.

Q. You correspond for several newspapers?

A. Yes, sir.

Q. Do you know about such an organization commonly called the Third House?

A. Yes, I do.

Q. Do you hold any official position in that?

A. I am first assistant sergeant-at-arms of the Third House at the present time.

Q. How long have you held that position?

A. Since the opening of this session of the Legislature.

Q. Have you been in attendance upon the several meetings of the Third House?

A. Not all of them, several of them.

Q. You have heard the testimony of your worthy Speaker *pro tem.*?

A. I have.

Q. Will you be kind enough to state whether or not, aside from the matter that he referred to, there has been any money assessed against the several parties visiting the capital city and used for any other purpose than that stated by him?

A. I wish you would make your question more definite. It is so indefinite I could not answer it under oath.

Q. Do you know of any money being expended that was collected by the Third House?

A. Yes, I do.

Q. Please state what you know about it.

Mr. Conductor Herrington—I object to it as incompetent and immaterial. If he will ask the witness if any money has been expended among the mem-

bers of this House during the present session we have no objection, but outside of that we do object.

The Speaker—Confine your questions to the members of this House.

Q. I will ask you, under the ruling of the Chair, whether or not any money has been assessed and paid in to the Third House when members of the House or Senate of the present Legislature were in attendance upon your meeting?

Mr. Conductor Herrington—I object to it.

Mr. Speaker—The witness need not answer that question.

Q. Whether or not any money has been used in purchasing oranges or tropical fruit or cigars and sent in to the members of the Legislature, or provided for them out where the meetings are held by the Third House?

A. Not to my knowledge, if you refer to the present session of the Legislature.

Q. You say you have not attended all of the meetings of the Third House?

A. No, sir; I think there was one meeting which I was unable to be present at.

Q. Do you know of any money being expended except as has been stated here by the Speaker *pro tem.*, that the members of this House or the Senate had any knowledge of during this session of the Legislature?

Mr. Conductor Herrington—That is objected to.

The Speaker—He need not answer the question.

Q. Do you know whether or not there are any cards or posters in any of the committee rooms such as was alluded to by Mr. Bates yesterday, except the one in the room of municipal corporations, either in the House or Senate?

A. I do.

Q. Please state where.

A. There is one in the railroad committee room of the Senate, or was one.

Q. How did it read?

Mr. Conductor Diekema.—I object to any posters or cards in the Senate room. The gentleman will confine himself to the House.

Judge Van Zile.—It seems to me that the counsel upon the other side possibly may misapprehend the object we have in this. It is not simply for the purpose of proving that these practices have been carried on in these committee rooms or about the capitol, but it is simply to show that such things as these came to the knowledge—

The Speaker.—The Speaker has no objection to his answering the question, but the card would be better evidence of its contents than his recollection of it.

Judge Van Zile—If there is a card in existence that would be proper. I do not know that these have been very carefully preserved.

The Speaker—Being important matters I should think they would have preserved them.

Judge Van Zile—We are hardly willing to concede that they are very important matters. All we care for is simply the effect that it might have on individuals who saw them and knew that this was the practice, whether there was any idea of sociability of that kind among the members of the House or here about Lansing. However, if counsel insist we will undertake to pursue the very formal and technical way of proving these things, by calling witnesses to prove the loss of the card, and if not lost, to produce them, but it will take considerable time.

The Speaker—To save time the chair will rule any further testimony upon this point will not be in order.

Mr. Manly—Here is a question I would like to ask.

The Speaker—Send up the question and it will be asked.

The Speaker then read the question as follows:

“Do you know of any candidate for the United States Senate paying any money into the Third House during this session?”

A. Of my own knowledge no, sir; I do not see them pay any money in.

The Speaker—Are there any other questions?

Mr. Manly—I would like to ask the gentleman if he did not see some money paid into the hands of the postmistress?

A. I did not.

By Mr. Dodge—You have been here in Lansing on several occasions when the Legislature has been in session?

A. Yes, sir, this is my fifth consecutive session.

Q. Were you present here two years ago during the entire session nearly or a large portion of the session of the Legislature?

A. No, sir, I was not. I was not here over one-third of the session probably.

Q. A large portion?

A. Not over one-third of the time.

Q. During that time did you frequently see the respondent here in the House?

A. Yes, sir, I saw him; knew him by sight only.

Q. Did you become personally acquainted with him?

A. I did not.

Q. When did you first, if ever, become acquainted with him?

A. I have only a casual acquaintance with him at the present time, a bare speaking acquaintance.

Q. During the time that you have known Mr. Dakin personally and by reputation, have you ever heard from him directly or indirectly that a member of the Legislature of the present session could be approached corruptly or with any improper motive or purpose in view?

A. I never did; certainly not.

Q. What do you understand from the general report, if you have any understanding, is the opinion of the members of the Legislature here about Mr. Dakin's reputation for truth and veracity?

Mr. Conductor Diekema—That question is objected to.

Q. What was it previous to the time that these charges were preferred against him?

Mr. Conductor Diekema—I object to that.

The Speaker—He need not answer that.

Mr. Dodge—As Judge Van Zile stated, the purpose of this testimony with regard to these cards is not to reflect on any member of this House, and indeed the contrary idea or object is constantly in our minds. We do not want to have it understood that these cards were used anywhere or at any time, either in the House or in the Senate or rooms with anything bordering on an improper purpose, and if the Speaker please, the reason why I desire to go back of this session was simply to show that those were the things that had been up and become a part of the custom and habits and ways of conducting matters around the halls of legislation, and that it is not for a corrupt design or purpose, and I submit that the Speaker ought to permit us to

go into these facts briefly. I think there are a number of members of the House here who would like to know something about the origin or at least the continuance of that practice.

The Speaker—The chair does not. The Speaker thinks it should have been abolished long ago.

Mr. Dodge—That is undoubtedly the opinion of the Speaker, but undoubtedly that is not the idea. The purpose is to get at the fact that these things have existed, whether good, or bad, or indifferent, or whether they ever had any effect in the world in the legislation either in the House or Senate. That is the idea, and it must be that you misapprehend our motive or intention in wishing to introduce this testimony. I do not doubt that there is a member of this House but that regrets that there has ever been such a practice, but they have gotten into the habit thoughtlessly and unconsciously without any intention of doing wrong, or allowing themselves in any way to become influenced by these things.

The Speaker.—The chair will maintain its position in regard to the further introduction of that class of testimony.

The Speaker then announced in accordance with the rule, that the House would stand at recess until 2 o'clock p. m.

AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The House resumed the investigation of the charges against Representative Dakin.

TESTIMONY OF HON. MILO H. DAKIN, RESPONDENT.

Milo H. Dakin, respondent, being duly sworn, testified as follows:

Examined by Mr. Holden.

Q. What is your age?

A. Thirty-eight years.

Q. Where were you born?

A. In this county.

Q. Lived here until about what year?

A. I lived here until about 1863.

Q. Where then did you go?

A. I went into the army.

Q. What company and regiment?

A. Company C, 9th Michigan cavalry.

Q. What army?

A. Sherman's army.

Q. What campaign?

A. The campaign to the sea.

Q. "From Atlanta to the sea," as the song goes.

A. Yes, sir.

Q. When were you discharged from the army?

A. At the close of the war, 1865.

Q. Did you receive an honorable discharge ?

A. Yes, sir.

Q. In what army engagements did you take part ?

A. The seige of Atlanta, the capture of Savannah and the reduction of Charleston and Columbia, South Carolina, Raliegh, North Carolina, all the way through.

Q. All of the principal engagements of that famous campaign ?

A. Yes, sir. I was on escort duty part of the time.

Q. Previous to enlistment in the army what had been your business ?

A. Working on the farm.

Q. After you had returned frym the army where did you reside ?

A. I resided in Jackson county.

Q. Engaged in what business ?

A. Farming.

Q. Where next after that ?

A. Ionia county.

Q. In what business ?

A. Farming.

Q. Where from there ?

A. Montcalm county.

Q. In the same business ?

A. Milling.

Q. Where did you go from there ?

A. I went from there to Saginaw.

Q. And have lived there ever since ?

A. Yes, sir.

Q. In what year did you go to Saginaw ?

A. About 8 years ago.

Q. In what business have been engaged there ?

A. Milling.

Q. In what particular capacity ?

A. Drag sawing, packing and inspecting.

Q. Shingles or lumber ?

A. Shingles.

Q. What was your age when you went into the army ?

A. 15 years.

Q. Have you been to school since you returned from the army ?

A. I went to school about two months.

Q. At what place ?

A. In this county.

Q. What positions of honor and trust have you held ?

A. Member of the Legislature, also treasurer of the State Assembly of the Knights of Labor of Michigan.

Q. When were you chosen to that responsible and honorable positon ?

A. Over a year ago.

Q. Do you now hold it ?

A. No, sir.

Q. What other positions of trust, if any ?

A. Nothing only an officer in the Local to which I belong.

Q. Have you been master and treasurer of your local ?

A. Yes, sir.

Q. Both ?

A. Yes, sir.

Q. Are you now ?

A. Treasurer now.

Q. When were you elected to this Legislature first ?

A. Two years ago last fall.

Q. Who was your competitor ?

A. John Backus.

Q. Was he also your employer ?

A. No, sir.

Q. Who was your predecessor in this House ?

A. The Hon. Newell Barnard.

Q. You were re-elected again at the last general election, were you?

A. Yes, sir.

Q. By an increased majority or otherwise?

A. Virtually, yes.

Q. Who was your competitor in the last election?

A. A gentleman by the name of Levi Tillotson.

Q. The gentleman who has testified in this matter?

A. Yes, sir.

Q. Have you a family?

A. Yes, sir.

Q. Consisting of what?

A. Two children.

Q. Is your wife living?

A. Yes, sir.

Q. And they reside in Saginaw?

A. One of my children resides in this county now on a farm.

Q. What age is the child that is in this county?

A. He is past eighteen years.

Q. The other is at home with its mother?

A. Yes, sir.

Q. What is the age of that child?

A. Thirteen years past.

Q. Your district, I believe, consists of the city of Saginaw, the township of Carrolton and the township of Zilwaukee.

A. Yes, sir.

Q. And did during the first term ?

A. Yes, sir.

Q. Do you know Frederic L. Eaton ?

A. Yes, sir.

Q. And the other witnesses from Saginaw who have been sworn ?

A. Yes, sir.

Q. How long have you known Mr. Eaton ?

A. Probably five or six years.

Q. I don't care to go into details concerning the amendment of the charter of Saginaw, for I do not care whether it was amended or not, but is it a fact that the bill has been pending here concerning it for some time ?

A. Yes, sir.

Q. And that it is true, as stated by the various witnesses, that citizens of Saginaw have frequently been here in regard to the measure?

A. Yes, sir.

Q. Do you know who was the city attorney of Saginaw for the year last past previous to recently?

A. Mr. Frederic L. Eaton.

Q. Who is his successor?

A. Mr. Frank Emerick.

Q. Recently appointed?

A. Yes, sir.

Q. Did you know of the fact of Mayor Hill of Saginaw nominating for re-election Frederic L. Eaton?

A. Yes, sir.

Q. Will you state to this House whether you were favorable to his re-election?

A. I was not.

Q. Alderman Fellows was then a member of the council?

A. Yes, sir.

Q. And as you understand voted against him?

A. Yes, sir.

Q. Mayor Shackleton was then an alderman and also voted against his confirmation?

A. I believe so.

Q. And the nomination was rejected?

A. Yes, sir.

Q. Mr. Eaton continued to hold until the election of Shackleton as mayor?

A. Yes, sir.

Q. And Mr. Shackleton as mayor did not present his name to the new council for the position?

A. No, sir.

Q. Do you know whether Mr. Eaton felt in any way unkind towards you from any interest you may have taken in his defeat for the position?

A. I have met him a great many times on the street and he would not look at me nor speak to me. He lives in the same ward as me, and I opposed him for election as supervisor five or six years ago and helped defeat him.

Q. This bill that is pending at this time concerning the charter was favored by you, or otherwise, in the present form?

A. In its present form as it is now I favor it.

Q. Did you understand that Mr. Eaton also favored it?

A. Yes, sir.

Q. The differences then concerning views in regard to the charter or charters of the city of Saginaw had been healed between yourself and Mr. Eaton?

A. Yes, sir.

Q. And each favor the passage of the bill as it now is?

A. As far as I know, yes, sir.

Q. And the large number of lobbyists who came here in the interest of the bill from Saginaw city as you understand also favored it?

A. Yes, sir, as far as I know.

Q. There was no particular disagreement in regard to it?

A. No, sir.

Q. It is a fact that the bill was antagonized in some of its features by the representative from East Saginaw, was it not, in its present form?

A. Yes, sir.

Q. State whether you labored as a member upon this floor to harmonize the

differences of opinion between the East Saginaw representative and the members in interest concerning your own charter.

A. Yes, sir; the member from East Saginaw and I conferred together a great deal on our charter.

Q. With a view of coming to some conclusion that was honorable and satisfactory to both?

A. Always that way.

Q. And never with any other view?

A. No, sir.

Q. After Mr. Eaton's successor had been chosen and the differences of opinion between yourself and Mr. Eaton in regard to the pending charter had been harmonized, state whether there seemed to be any change in Mr. Eaton toward you, in the way of recognition or friendliness, or otherwise.

A. Well, whether the charter as fixed suited him entirely or not I don't know, but he appeared friendly.

Q. Since then state whether he has been accustomed to recognize you when he has met you?

A. Yes, sir.

Q. And has appeared friendly until this matter arose?

A. Yes, sir.

Q. Now you remember meeting him on the 19th of this month in Lansing?

A. Yes, sir.

Q. Where did you first meet him, according to your present recollection, on that day?

A. Down on the next floor below this.

Q. I call your attention now to a statement, which was given in evidence as having been made and subscribed by yourself in the presence of 15 of the members of this House, and his Honor the Speaker, and Mr. Eaton, in some committee room, wherein it appears I believe—taken in the form it was—that you did not see Mr. Eaton at that time.

A. I saw him at that place.

Q. And did you mean that the committee should understand at the time that you did not see him?

A. I do not understand your question.

Q. Did you mean that the committee should understand that you did not see him at that place; that is did you intend to deny to them that you had seen him there?

A. In the committee room?

Q. No.

A. Down below?

Q. Yes.

A. No, sir.

Q. Were you conscious that the statement appeared in that way when you signed it?

A. I was not.

Q. It then was a fact that you did meet him in the corridor below and have a talk with him in the morning?

A. Yes, sir.

Q. And you have never consciously stated to the contrary?

A. No, sir.

Q. Or meant so to state?

A. No, sir.

Q. What was the conversation that you had with him there at that time? I do not expect you can give the exact words, but if you can do so, do it, and if you cannot remember the exact words give us the substance and purport of it as fully and completely as it is possible for you to do.

A. He and Smith met us in the corridor. He said to Fellows, "What is the outlook of our charter?" Fellows said, "First rate." Then he said, "Where is Mr. Shackleton." And I answered that he had gone back to Saginaw with Mr. Linton to help fix this trouble up between the two cities and to get some money, as he came down without any—to get some money as he came down without any. That is the talk I had with him there.

Q. Mr. Linton, who had previously opposed your bill—I understand this was your bill, was it?

A. No, sir, this is the amended bill—amended by the bill that I introduced.

Q. Well, the same thing practically. You had charge of it?

A. Yes, sir.

Q. Mr. Linton having previously opposed the measure, and having gone with Mayor Shackleton of your city back to Saginaw, did not expect that a meeting of the committee would be had that day?

A. No, sir.

Q. In their absence?

A. No, sir.

Q. Do you remember whether you so stated to Mr. Eaton?

A. I think I told him that there would be no meeting that day. I think I did.

Q. I understand from the other witnesses that a meeting had been previously set for that afternoon?

A. That is what I understood, yes, sir.

Q. Did you see a memorandum or proposition—afterwards a proposition—by Mayor Shackleton in regard to the matter?

A. I did.

Q. Before or after he went to Saginaw with Mr. Linton?

A. Before.

Q. Who had it?

A. I think I had it in my hands myself and I saw it in Mr. Linton's hands and in Mr. Shackleton's hands.

Q. And Mr. Fellows'?

A. I am not sure whether I saw it in Mr. Fellows' hands or not.

Q. Well, it was with reference to fixing up the difference that existed in the opinion of Mr. Linton and Mr. Shackleton that they went to Saginaw?

A. Yes, sir.

Q. The memorandum containing the purport of it as you supposed?

A. Yes, sir.

Q. That was understood by you as the reason why they were going there?

A. Yes, sir.

Q. Did they go in the morning or in the afternoon?

A. They went in the morning.

Q. And when did Mr. Linton return, as you now remember?

A. I think he returned the same night, if I remember right.

Q. In the meantime Mr. Eaton came, did he?

A. I did not see him.

Q. Well, going back a little: After you had the talk with Mr. Eaton in the corridor below where did you go?

A. I went down on the corner of the street below here. I don't know the name of the street.

Q. Who was with you ?

A. Mr. Fellows.

Q. And he was here in the interest of the charter ?

A. Yes, sir.

Q. As you had understood had been sent by the common council of the city ?

A. No, sir.

Q. Or by whom ?

A. By the mayor.

Q. Had he previously been here by direction of the council as you understood ?

A. Yes, sir.

Q. But at this particular time was here by the direction of the mayor of the city ?

A. Yes, sir.

Q. How did you come to that understanding ?

A. I recommended him to the mayor to be appointed to come here in the interest of the charter.

Q. And who else did you recommend should come ?

A. 'Ex-Gov. Jerome and the mayor also.

Q. Did you understand why the ex-governor did not come ?

A. I could not state only from hearsay.

Q. I ask if you heard why he did not come ?

A. I heard it was because he was sick or something of that kind.

Q. Ill and unable to come ?

A. Yes, sir.

Q. Where did you see Mr. Eaton again ?

A. I saw him on the opposite corner of the street, on the main street below here.

Q. That is down town ?

A. Yes, sir.

Q. Down by the bank ?

A. Yes, sir.

Q. Who was with him ?

A. There was no one with him. He came there and met Mr. Fellows and Mr. Crowley and me.

Q. And entered into conversation ?

A. Yes, sir.

Q. State whether he appeared friendly or unfriendly that morning ?

A. Friendly, sir.

Q. As much so as any gentleman.

A. Yes, sir.

Q. Had you any unfriendly feeling toward him at that time ?

A. Not any.

Q. Did you suppose that he at that time entertained any unfriendly feeling toward you ?

A. I don't think I did.

Q. I suppose you entered into conversation concerning the charter ?

A. Yes, sir.

Q. And you went into the Windsor, as stated by the others ?

A. Yes, sir.

Q. Sat down there?

A. Yes, sir.

Q. You took some sour wine?

A. Yes, sir.

Q. And the other gentlemen did not take sour wine?

A. It did not look like sour wine.

Q. How came you to go into the Windsor at that time?

A. By invitation of Mr. Eaton.

Q. And the talk was had there?

A. Yes, sir.

Q. Now from the time you met on the corner, give me what was said as you now remember it.

A. As I remember it he said "Well, Mr. Fellows, Shackleton didn't bring you any money?" and Mr. Fellows said "No." "Well," he said, "Do you think that money could be used here to further the interests of our charter? or words to that effect, and I think before there was any answer made he said "Well, now, let's go somewhere and sit down and talk this thing over." So we went down to the Windsor restrurant, and we all took seats in one of the stalls. Mr. Crowley called on the drinks, and after we had drank Mr. Eaton pulled out a roll call out of his pocket. "Now," he says "Dakin, those friends that you would like to have a good time with, just tell me who they are." I think I named over one or two names to him verbally. "Well," he says, "To get at this better take your pencil and check them off." I took a pencil and checked them off.

Q. Do you remember whose pencil?

A. I think it was my own.

Q. He asked you to check them?

A. Yes, sir. Now he says, "To get at the exact amount which you think will be necessary to see these men or to go around with them, set down about what you think it would take, about what the amount would be." Previously he asked me what it would cost. I told him that I had no idea. Then he asked me to set down the amount.

Q. What did he say in regard to the amount?

A. He says, "So that we can get at some exact figure so that we will know about what to do." So I had in my mind an idea of about what expense it would be to have a time with the boys——

Q. In a social way, you mean?

A. Yes, sir; and I sat down the amount so that it would tally very nearly with my judgment.

Q. Previous to his asking you to put down those figures you had, at his request, checked certain names upon the list?

A. Yes, sir.

Q. Now which members did he wish the figures set opposite?

A. He left that to my own discretion.

Q. What was said, if anything, in regard to putting figures down by those that had been checked by you or otherwise?

A. He says, "put down the figures by those that you have checked," or "those that you have checked set down the figures to," or something of that kind.

Q. Previous to the agreement between yourself and the gentlemen from

Saginaw having the charter interest at stake, had there been a difference of opinion between you and Eaton?

A. In regard to the charter?

Q. Yes.

A. Yes, sir.

Q. And that had all been harmonized before this, as you understood it?

A. Yes, sir.

Q. Now, as between Eaton and yourself, which one suggested the raising of any funds for a good time in a social way?

A. As between Eaton and myself?

Q. Yes. That is, suggested the use of money in a social way.

A. Mr. Eaton.

Q. Now, but for his request that you check opposite the names of members upon the roll call which he furnished you, would you have done any checking?

A. If he hadn't requested me to?

Q. Yes.

A. Oh, no.

Q. Did any one else urge you to check them?

A. No, sir.

Q. And at that time you checked them nothing had been said about putting down figures opposite the names?

A. No, sir.

Q. If Eaton had not requested you to put the figures down opposite those names would you have done so?

A. No, sir.

Q. Had you any intention of doing so until urged by him?

A. No, sir; I never thought of it.

Q. Did you intend in any way to raise a fund with which to corrupt these members or any of them?

A. To corrupt them?

Q. Yes.

A. No, sir.

Q. Did you believe that any of those members or others of this honorable body were corruptible?

A. No, sir.

Q. Had you ever approached in any manner any member of this House with a proposition tending in any way to corrupt him?

A. No, sir.

Q. Or to ascertain if he could be corrupted?

A. No, sir.

Q. I presume without a doubt that no one has ever approached you?

A. Never.

Q. It appears in evidence that ordinarily you are a temperate man. Is this true?

A. I am not a drinking man.

Q. How was it on that morning that these Saginaw friends came down, had you drank any?

A. I think I had drank twice before they came.

Q. That is, before you met Mr. Crowley?

A. Yes, before I met Crowley or Eaton.

Q. And then, before going into the Windsor, you drank, as I understand,

from Mr. Crowley—once with him?

A. Yes, sir.

Q. And then you drank with Eaton in the Windsor at the time he urged you to put down the figures, and that was the fourth drink you had had that morning?

A. Yes, sir.

Q. Was that a usual or unusual occurrence for you?

A. Very unusual. I might tell that the first drink I took was down here in a drug store where Mr. Fellows and I went. We both took quinine.

Q. Quinine and whiskey?

A. Yes, sir.

Q. That is a remedy in our vicinity for ague and biliousness?

A. Yes, sir.

Q. What time a-day was that as near as you can remember?

A. I should say it was about 8 o'clock.

Q. And that was taken by you for medicinal purposes?

A. Yes, sir.

Q. You are not accustomed to drink whiskey?

A. No, sir, I never touch it.

Q. When you do drink what are you in the habit of drinking?

A. Once in a great while I take a glass of beer, and most of the time I drink ginger ale or pop, and once in a great while I drink what they call here sour wine.

Q. When you took the second drink that morning what did you take?

A. I think I took a glass of beer.

Q. And the third drink was taken with Mr. Crowley?

A. Yes, sir.

Q. What did you drink then?

A. Sour wine.

Q. There were three drinks that were not of a kind?

A. No, sir.

Q. And the fourth drink appears in evidence to have been sour wine?

A. Yes, sir.

Q. And the fourth drink was about what time of day?

A. I should say it was about half past eleven.

Q. Four drinks in two hours and a half, which you say was unusual. Coming back to the time when Eaton urged you to check the names of the members and put down figures opposite, you may give me in detail, so well as you can the number now, what was said between you four gentlemen there in the stall at that time?

A. Mr. Eaton says: "Mr. Dakin," he says, "You think you can use this money amongst the members of the House?" I says, "In a sociable way, yes." And I says, "I don't want the money. You give the money to Mr. Fellows, and Mr. Fellows being with me and will be with me, if there is any expenses made Mr. Fellows will pay for it, and then I will be left out."

Q. What else?

A. Mr. Eaton was looking down the roll call, he says "Here is one man, Mr. Rumsey, you have got \$25." Mr. Crowley speaks up in a laughing way, he says "Oh, yes, I know Mr. Rumsey, he is a pretty good man." That is all there was said upon that question. That is about all that occurred in there in regard to these matters, that is, that is all that I can think of just now.

Q. After Eaton had got you to put down these figures what did he do with the roll call and the figures?

A. I picked up the roll call and put it in my pocket and we got up to leave. Mr. Crowley, I think, went out ahead and Mr. Fellows next and I was next and Mr. Eaton last. He kind of looked around on the table and he says, "Where is that roll call?" I says, "I have got it in my pocket." He says, "Let me take it." So I handed it over to him and he put it in his pocket. "Now," he says, "We will see about this money affair and fix it up."

Q. You seemed to be doing about whatever he said that morning?

A. Pretty much.

Q. After he talked with you in this way and made the suggestions that he did will you tell us in what way you expected the money would be expended?

A. About that time I think there was something said about dinner and we got up and went out and Mr. Crowley and Mr. Eaton went one way and Mr. Fellows and I went down to the Eichle House.

Q. That is where you board?

A. Yes, sir.

Q. And did board two years ago?

A. Yes, sir.

Q. Go on.

A. We went in there and went towards the back end of the hall and Mr. Fellows says: "Dakin, what is the matter with you?" I says, "Nothing I guess." He says, "You act to me as though you were either crazy or drunk." I says, "I don't think I am either." I says, "Why?" He says, "Don't you know you should not have given that roll call to Mr. Eaton?" I says "Why?" He says, "It was not the proper thing to do. You know that Eaton don't like you and he will have it against you." I says, "I ain't afraid of that," I says, "I don't think there is any danger upon that ground." Then we went down to dinner, came up from dinner and sat down, and Mr. Fellows says, "Now, Dakin," he says, "If we get this money—" in the first place I have answered your questions, but I could tell other things that come in connection with this. If you wish, I could explain it.

Q. The House are anxious to hear it, and I don't wish you to keep back anything, but let them know it all.

A. The first time we met Mr. Eaton here on the corner Mr. Eaton says, "Mr. Shackleton didn't bring you any money—didn't bring up any money with him." Mr. Fellows says "No." Mr. Eaton then turned to me and says, "Dakin, do you think you can use some money here?" I says, "Yes, certainly, in a social way." He says, "Mr. Crowley"—we hadn't seen Mr. Crowley then—he says, "Mr. Crowley and Mr. Little is here and I have got some money of my own, and Mr. Crowley and Mr. Little is here and I will go and see them and see what we can do." So, going back to the time that we came up from dinner, Mr. Fellows says, "Dakin, what kind of a scheme would it be to get the dining room here and have a dance and feast if we get this money?" I says, "It would be a good thing." That was my way partly towards the expending of this money.

Q. And how else?

A. Another way, if I should happen to meet a man or get a few of them together and we would happen to be out at night, then I would spend the money that way.

Q. In keeping up your end of the sociability?

A. Yes, sir.

Q. Was it your intention to corrupt or attempt to corrupt any of the honorable members of this House?

A. No, sir.

Q. Did you think they could be corrupted by any such sums, or any other sums on earth?

A. No, I think they are higher priced than that.

Q. Do you mean by that to insinuate that they are persons of any price at all?

A. No, sir.

Q. You never have believed that?

A. No, sir.

Q. Did you think there would be any harm in having a little banquet at the Eichele House?

A. If I had I should not have seconded the proposition of Mr. Fellows.

Q. Why did you think there would be no harm?

A. I thought there would be no harm because the same thing had been done in Lansing this winter before as I have understood it.

Q. Where? At Eichele's?

A. No, sir, at the Lansing or some of the hotels here. I believe Mr. Hubbell had an entertainment down here.

Q. And you wanted to have the same sort of an entertainment on a smaller scale?

A. On a little smaller scale, yes.

Q. And you meant no more harm by it than Senator Hubble did.

A. No, I didn't intend any harm.

Q. Doubtless the Hon. Senator did not?

A. No, sir.

Q. Before this had you seen some of these placards about?

A. Of what?

Q. Before this had you seen some of these placards in the committee rooms of which we have heard something on this investigation?

A. I think I saw one up in the room where the committee on municipal corporations meets.

Q. The one that has been testified to by Mr. Bates?

A. I think it is the one.

Q. Do you know of any other reason than because Eaton urged you to put down those figures why you put them down?

A. No, sir. When I wrote the figures I shoved the list back to him, and he said, "This will go no further."

Q. What other reason or motive prompted you to make the figures that you did make, other than Eaton himself by his solicitation and urging?

A. No other reason.

Q. State whether at that time you intended that those gentlemen present should understand that any of those gentlemen, in your judgment, could be influenced or corrupted in the least by the use of money?

A. I said they could not.

Q. I think it appears in Mr. Eaton's statement or letter to the Honorable Speaker of this House that you said, in conversation with him at the time, that the money would not be used in any way to corrupt members. Was that statement in effect made by you?

A. Yes, sir.

Q. Then Eaton was correct in that you think ?

A. Yes, sir.

Q. When did you first begin to realize that you possibly had done wrong in making the figures ?

A. When Mr. Fellows spoke to me about it.

Q. What did you do then ?

A. I thought about it a great deal then, and after we came up from dinner and had sat down a few minutes we went out on the street and took a walk around the street, I think probably went a block or two blocks, I forget exactly, and then we met Mr. Tillotson, on the same corner or opposite corner from where we met Mr. Eaton and Mr. Crowley, and about the first thing I said to Mr. Tillotson was to explain to him what I had done in regard to the roll call. He said "Dakin, you have done wrong, you know that Mr. Eaton is not your friend and he will use it against you." I said "Mr. Tillotson, will you go and see Mr. Eaton and ask him to see the roll call, and if you get it put it in your pocket?" He said "I don't know where he is." I said "He is probably at the Hudson House;" so he said "I will do so," and he turned and went up towards the Hudson house.

Q. If I remember rightly Mr. Tillotson, in giving his version of the matter stated at the time he met you there, he invited you to take a drink with him and you declined to drink.

A. Yes, sir.

Q. That was the first time you had seen Tillotson that day?

A. I think that was the first time.

Q. Do you remember the circumstance of his asking you to indulge?

A. I don't remember that.

Q. In any event you did not take a drink with Tillotson at the time?

A. Not that I remember of.

Q. He said he would get the roll-call if he could, and left and went in the direction in which you told him he could probably find Eaton?

A. Yes, sir. He said, "If I get hold of it I will keep it."

Q. You regarded Tillotson as your friend at the time?

A. I did, or I would not have said what I did.

Q. As soon as you met him you expressed your alarm at what Eaton had done in the matter?

A. Yes, sir.

Q. Do you remember any further conversation later in the day with either Crowley, Tillotson, or Eaton in regard to it?

A. I don't remember now that I do.

Q. When was your attention next called to the transaction?

A. When Speaker Markey came to my seat and asked me to see him in his room.

Q. Did he tell you why he wished to see you there?

A. No, sir.

Q. Did you accompany him ?

A. I did.

Q. Was the House at that time in session?

A. Yes, sir.

Q. Transacting the ordinary business of the body?

A. Yes, sir.

Q. When you arrived in the Speaker's room, you found these several gentlemen present whose names had been checked?

A. Yes, sir.

Q. And who else?

A. Mr. Eaton and Mr. Markey.

Q. You were interrogated there in regard to it?

A. Yes, sir.

Q. And did you have any hesitation in telling those gentlemen your version of it?

A. I don't think I had.

Q. You made the statement that has been given in evidence here as having been signed by you?

A. As far as I can remember, yes.

Q. Do you remember what persons interrogated you there, the answers to which interrogations were taken down in narrative form and signed?

A. I think Mr. Herrington and Mr. Diekema and Mr. Markey and Mr. Manly I believe, Mr. O'Keefe I think, and Mr. Eaton.

Q. Give us your judgment as to the length of time you were in the room with those gentlemen at that time.

A. I have no idea.

Q. So far as the statement goes is it substantially correct, with the one exception which you have mentioned, wherein it seems to appear in the statement that you did not meet Mr. Eaton in the lower corridor in the morning. Of course it is not full and in detail, but such as does appear is it substantially correct, with that one exception?

A. As near as I can remember, it is.

Q. Was there anything in connection with the transaction which at that time you sought to keep back or evade?

A. No, sir; not that I remember of.

Q. Was there anything in the transaction from the first to the present time that you have wished or in any way sought to withhold from any member of this House?

A. No, sir.

Q. Did you at any time solicit money from Eaton?

A. No, sir.

Q. Did you at any time solicit money from Shackleton?

A. No, sir.

Q. It is a fact, is it, that he handed you a two-dollar bill?

A. Yes, sir.

Q. At the time stated by himself?

A. Yes, sir; substantially the same.

Q. Tell us in your own way just as it was, when and where, what was said as near as you can remember and all about it.

A. On Tuesday morning we were going to the train. Mr. Fellows and I accompanied Mr. Shackleton to the train. On the way there he handed something to Mr. Fellows. Mr. Fellows took it and put it in his pocket. I do not know what it was—the amount. He says, “Mr. Fellows, here is some money.” What the amount was I do not know. Mr. Fellows took it and put it in his pocket, and he says, “Here Dakin, here is two dollars,” and I took it, not thinking what he meant by it. I said, “What is this for?” He said, “That is something to buy cigars with.” “I said ‘I do not smoke,’ and I handed it back to him. He said, ‘Keep it and put it in your pocket and buy some beer with it.’ I said, ‘I do not drink beer.’ He said, ‘Keep it

anyway." He would not take it back, and I was not going to throw it upon the ground.

Q. Did you suppose at the time that the mayor intended in any way to corrupt you with that two dollars ?

A. No, sir.

Q. What did you do with it ?

A. I put it in my pocket.

Q. Have you got it yet or have you spent it ?

A. I've got it.

Q. Let us see it.

Witness produces the bill and handed it to counsel.

Q. This is the same bill, is it ?

A. The identical bill.

Q. A two-dollar United States Treasury note or greenback ?

A. Yes, sir.

Mr. Holden.—I do not propose to offer this in evidence and have it marked as an exhibit and file it with the clerk.

Mr. Conductor Herrington.—You might hand it back to Mayor Shakelton.

Mr. Dakin—He gave it to me.

Q. At the time he handed you the two dollars was there any disagreement between you and the mayor in regard to the bill?

A. No, sir.

Q. You coincided in regard to it?

A. Yes, sir.

Q. Then it was not necessary in any way, either by the use of two dollars or other money, or by argument or otherwise to convert you to his views concerning the bill?

A. No, sir, because I had a hand in fixing up the matter as they were.

Q. And you and the mayor were entirely agreed to it?

A. Yes, sir.

Q. State whether you believed that the honorable gentleman who had opposed it heretofore was agreeable to the form of the bill as you and the mayor understood it should be?

A. As far as I know, yes.

Q. So that the opposition of Mr. Linton you believed to be at an end?

A. Yes, sir.

Q. There is a considerable volume of the statements of Mr. Eaton to this House, and I desire to make reference in interrogating you to the record or his evidence, first asking you if you have now stated substantially as fully as you can remember at this time, your conversations with Mr. Eaton upon the points in interest in this matter?

A. Yes, sir.

Q. Coming now to the time when you met Mr. Smith and Mr. Eaton in the lower corridor of this building, did you state to Eaton in substance of effect that you expected Mr. Shackleton to come down here and bring some money to put the bill through the House?

A. Not put the bill through the House, but in the interest of the charter.

Q. You said nothing about the use of money in putting the bill through the House ?

A. No, sir.

Q. Did he ask you what you wanted of money, or whether there were any expenses to pay ?

A. I don't remember whether he did or not.

Q. Did you say anything to him in regard to asking if there were any expenses to pay, "yes, you know what I mean, we have got to have money to put this through with?"

A. I did not say any such thing.

Q. And did he ask you if you meant to say that you had got to use money with the committee?

A. No, sir, I never heard the word about the committee.

Q. And did you tell him "No, that you thought the committees were all right but we have got to use some money among the members?"

A. I never heard of that until I heard it from him.

Q. And did he ask you in substance "Do you think that the passage of measures can be promoted among the members of this House by the use of money," and did you say to him "Of course it can?"

A. I don't think I said any such thing.

Q. Was there any conversation of like import there between you and him?

A. No, sir.

Q. Did you think that money could be used?

A. No, sir.

Q. And afterwards did he ask you "I would like to have you tell me, Mr. Dakin, definitely, what you regard it necessary to do in regard to our bill?" and did you answer, "As I told you before we never can get that bill through the House unless we have some money to do it with?"

A. I never heard of that.

Q. No such talk as that at all with Mr. Eaton at any time?

A. No, sir.

Q. Did he ask you in case you got a favorable report from the committee if there was any doubt but that the report would be adopted by the House, and did you answer to him in substance, "There is no doubt of it if I can have what I need to do it with?"

A. Part of that was said, what he said about the report of the committee is correct, but what I said about having something to do it with is not so.

Q. What did you say in answer to him?

A. I think I said there is no doubt but what we can get the bill through if it is reported favorable from the committee.

Q. Did he ask you how much in your judgment would be needed to get the bill through?

A. No, sir.

Q. Did you tell him that you had been out with some members of the Legislature the night before and spent considerable money and that you had got four of them solid?

A. No, sir.

Q. Had you been out with them?

A. No, sir.

Q. And had not got anyone solid?

A. No, sir.

Q. Nor had you attempted to, by the use of money in any way?

A. No, sir.

Q. And did not tell him so at all?

A. No, sir.

Q. Did you reply to any question of Mr. Eaton's or say to him, whether questions or otherwise, that you could not tell how much money you were

going to need until you began to work and had made a further canvass in the matter?

A. No, sir.

Q. Did you say anything of like kind or import?

A. Not that I know of, sir.

Q. Do you think you would have known?

A. I think so, yes, sir.

Q. Did you tell him that Mayor Shackleton had promised to telegraph down any money?

Q. Yes, sir.

A. What did you say to him upon that subject?

A. I told him Mr. Shackleton had gone home to fix up the matter betwixt Mr. Linton and ourselves if possible and to get some money or send some money.

Q. Send some money for what?

A. For expenses.

Q. Whose expenses?

A. Mr. Fellows'.

Q. In what way?

A. For general expenses. That is the idea I had of the expenses.

Q. Not in any corrupting sense?

A. No, sir.

Q. Did you state to him in substance or effect that if you should go out with a man and talk with him and make him any promise and then not have the money, you would lose his influence and he would go back on you?

A. No, sir, I never thought of such a thing; never said any such thing.

Q. Nothing on the subject at all?

A. Nothing, sir.

Q. Did he ask you in connection with the talk that you have referred to or any other talk in substance "whether this is a prudent thing, to be talking about the use of money in this way?"

A. No, sir, I did not hear any such thing.

Q. And did you in reference to anything of the kind say, "You don't need to be known in the matter at all. You furnish the money to me, or if you don't want to trust me, you can give it to Fellows, and I will attend to the rest of it?"

A. I told him to give the money to Fellows. That is all I said about that.

Q. Did you tell them that they would not be known in the matter?

A. No, sir.

Q. Nothing on that subject?

A. No, sir.

Q. Did he ask you what you proposed to do with it or how you proposed to use it, and did you say that you were pretty well acquainted with a good many here, and that there is a large number (about 34) of Grand Army men here?

A. No, sir, I did not say any such thing, because I never knew there was that amount here.

Q. May I ask what number, so far as you know, of this body are Grand Army men?

A. I don't know. I don't think there are over 15 or 20 any way.

Q. Did you tell him in substance or effect that you were going to see any of those and send them to Fellows?

A. No, sir, never.

Q. And did he ask you if it was customary when a bill is pending here to see members in this way?

A. No, sir.

Q. And did you tell him that of course it was customary to see members in this way or to use money with them?

A. No, sir.

Q. There may be some other things that I have passed by; but since I have been calling your attention particularly to the statements made by Mr. Eaton against you in this matter, do you now recall any other conversation or part of conversation, previous to this you had not recalled?

A. I don't think of any now.

Q. By what you did in this matter did you intend in any way to bring the good name of any member of this House into disrepute?

A. No, sir.

Q. Did you intend in any way to cast reflection upon their integrity?

A. No, sir.

Q. Or to insinuate that these men could be purchased or corrupted at all?

A. No, sir.

Q. Did you intend at that time, or at any time since, or before, to raise this money and convert it to your own use and benefit?

A. No, sir.

Q. The suggestion, as I understand it, of raising the fund came from Mr. Eaton. Am I right?

A. Yes, sir; the second time we saw him.

Q. And did not originate with yourself?

A. No, sir.

Q. Now, aside from this \$2 which you just exhibited here, have you received any money whatever from any person?

A. No person, sir.

Q. Have you ever during your legislative career?

A. No, sir.

Q. Either this present session or in the former House?

A. No, sir.

Q. Have you ever used or attempted to use any money whatever among your associates?

A. No, sir.

Q. Have you ever intimated or in any way intended to lead any person to believe that any member of this House was corrupt or corruptible?

A. No, sir.

Q. Have you ever before been accused of any dishonorable or disreputable act?

A. Yes, sir, one.

Q. What was that?

A. I whipped a man once and he said it was dishonorable.

Q. That was all?

A. That was all.

Q. How long ago was that?

A. Oh, about 12 or 13 years ago.

Mr. Holden—Well, don't do it again. Take the witness.

The Speaker—Mr. Green, of Bay, sends up the following question: Did Mr. Eaton say to you that Saginaw City could well afford to spend some

money to have Florence attached to the city as we would soon have ten times as much back in taxes?

A. There was something of that import the second time that I saw him—the time that he wanted to know if I did not want some money to use to get the charter through.

The Speaker—Mr. McGregor sends the following question: Did I ever in the city of Lansing or elsewhere drink or smoke with you at your expense?

A. No, sir.

The Speaker—Also the following: Did you ever, here or elsewhere, hold any conversation with Mr. McGregor in relation to the Saginaw City charter or any other bill pending before this Legislature?

A. I think not.

Q. Did you ever see anything in his conduct or action, either in the House or out of it, to warrant you in the supposition that he could be influenced in his vote or otherwise by the use of money?

A. No, sir.

Mr. Holden—Counsel calls attention to one fact which a member thought in the shape it came was perhaps a reflection upon himself, and I at the time in your behalf you remember filed a disclaimer. It appears in your statement something concerning the fact that you once drank with Representative O'Keefe. What was there in regard to that?

A. I think Mr. O'Keefe, if I remember right, as nearly as I can remember asked me into I think it was the Windsor restaurant. He asked me in, and whether he took a drink or smoked I don't remember now. I did think that he drank, but I am not sure; just as liable he took a smoke, as far as I can remember; but I took a drink myself.

Q. As I have it here in your statement it appears that you drank with him. I do not understand that as meaning that he drank with you?

A. No, sir.

Q. But socially, in a friendly way?

A. Yes, sir; I drank with him.

Q. You drank, but whether he drank or smoked you don't know.

A. No, sir; I don't know.

Q. Do you remember whether you have ever drank or smoked with any of the other members on this list, or otherwise.

A. Yes, sir; I have.

Q. Do you remember if any of them were on the list.

A. I don't think they are on the list.

Q. Do you understand that Representative Rumsey here is a man who smokes or drinks?

A. I don't think he is. I don't know that he is.

Mr. Holden. I think that is all with the witness. Nothing further occurs to me now.

CROSS-EXAMINATION OF MILO H. DAKIN.

By Mr. Conductor Herrington,

Q. At the request of some of the members whose names are on this slip I will question you further in the line which has just been pursued. Did you ever have any talk with Mr. Seward Baker about this Saginaw charter bill?

A. I don't know whether I did about the amended Saginaw city charter bill or not. I know I have talked with him a number of times this winter—that is I think I have—in regard to the charter.

Q. How intimate are you with Mr. Baker? Have you ever been out with him?

A. No, sir.

Q. Ever treated him or he treated you?

A. I think not.

Q. Ever had any confidential talks with him?

A. Well, only socially, I think right here in the hall.

Q. When other members were present?

A. Some of the members, yes, sir.

Q. How intimate are you with Mr. Baldwin?

A. Well, I am not intimate.

Q. You never have had any conversation with him at all upon any subject have you, more than to say, "How do you do?"

A. I think I spoke to Mr. Baldwin, I am not sure, in regard to our charter.

Q. When?

A. The first charter that I put through. I think I spoke to him. I am not sure.

Q. Have you ever been out with Mr. Baldwin?

A. No, sir.

Q. Have you ever been intimate in any way?

A. No, sir.

Q. In fact you regarded him as somewhat of a stranger did you not only as you have served in the same House with him?

A. O, I have played cards with him a little and had a little social time with him.

Q. With Mr. Baldwin?

A. Yes, sir.

Q. Did you ever treat Mr. Baldwin or he ever treat you?

A. No, sir.

Q. How intimate are you with Mr. Bentley?

A. I am not intimate with him.

Q. Have you ever played cards with Mr. Bentley?

A. No, sir.

Q. Have you drank with him?

A. No, sir.

Q. Does he drink?

A. I don't know.

Q. Is it not your understanding that he does not drink?

A. I don't know anything about it.

Q. Do you know whether he smokes or not?

A. No, sir.

Q. Have you ever been out with him at all?

A. No, sir.

Q. Ever played cards with him?

A. No, sir.

Q. Ever had anything to do with him?

A. No, sir.

Q. You have the highest regard for Mr. Bentley have you not?

A. I have for all of them.

Q. Have you ever been out with Mr. Burr?

A. No, sir.

Q. Are you at all intimate with him?

A. No, sir.

Q. Have you had any conversation with him upon any subject that you now recall ?

A. No.

Q. Ever played cards with him ?

A. No, sir.

Q. With Mr. Crocker ?

A. No, sir.

Q. You are not at all intimate with Mr. Crocker ?

A. No, sir.

Q. Never have talked with him outside of this hall ?

A. No, sir.

Q. When other members were present ?

A. I don't think I have.

Q. Mr. Diekema ?

A. No, sir.

Q. Are you at all intimate with Mr. Diekema ?

A. No, sir.

Q. Never have had any talk with him upon any subject, have you ?

A. Yes, sir.

Q. This session ?

A. Yes, sir.

Q. Have you ever had any talk with him about this bill ?

A. I think not.

Q. How much talk have you had with Mr. Diekema this session ?

A. O, I went over to his seat three or four times and asked him about a bill of mine that he had.

Q. When the House was in session ?

A. Yes, sir.

Q. Outside of that you never have talked to him this session ?

A. Not that I remember of.

Q. Mr. Dunbar—how is it with him ?

A. Well, I understood I was quite friendly with Mr. Dunbar. I don't know what he thought about it.

Q. Have you ever drank with him ?

A. No, sir.

Q. Smoked with him ?

A. No, sir.

Q. Played cards with him ?

A. No, sir.

Q. Ever been out with him ?

A. No, sir.

Q. Ever had any confidential talks with him ?

A. Not that I remember.

Q. Mr. Engleman, have you ever been out with him ?

A. No, sir.

Q. Ever drink with him ?

A. I think I have.

Q. Ever played cards with him ?

A. No, sir.

Q. Did you not state in your confession that you never had drank with any of the members except Mr. O'Keefe ?

A. That is all I could think of probably at that time?

Q. Are you at all intimate with Mr. Engleman?

A. No, sir.

Q. Ever had any talk with him upon any subject outside of this hall?

A. Not that I remember of.

Q. Mr. Herrington?

A. No, sir.

Q. Never have had any conversation with him at all upon any subject have you?

A. Well, not confidentially that I know of.

Q. Have you had any conversation with Mr. Herrington upon any subject whatever?

A. I think I have met you in a cluster here in the House, telling stories and so forth, and so forth and so on. That is all.

Q. Outside of this House, then, you never have had any conversation with Mr. Herrington whatever?

A. No, sir.

Q. And not in the House except when a crowd was around?

A. That is all I believe.

A member.—Ask him if he ever drank with Mr. Herrington?

Q. I will treat everybody alike in this matter. Did you ever drink with Mr. Herrington?

A. No, sir.

Q. Ever smoke with him?

A. No, sir.

Q. Ever play cards with him?

A. No, sir.

Q. Ever been out with him?

A. No, sir.

Q. Have you ever had any talk with Mr. Manly on any subject?

A. I think not.

Q. Did you ever drink with him or smoke with him?

A. No, sir.

Q. Have you ever been out with him?

A. No, sir.

Q. Never played cards with him?

A. No, sir, I think not. I think I have not played cards with him, I am not sure—yes, I have.

Q. Where?

A. I think I played cards with Mr. Manly when we were going to Grand Rapids to the encampment.

Q. That was on the train?

A. Yes, sir.

Q. Never had any talk with him about this charter bill?

A. No, sir.

Q. Mr. McCormick?

A. No.

The Speaker: Mr. McCormick has had these same questions put to the witness and he has answered them.

Q. Mr. O'Keefe—you have stated in regard to him. Mr. Perkins, have you ever had any talk with him on any subject whatever outside of this hall?

A. I think not.

Q. Have you had any private talk with him in this hall?

A. I think not.

Q. Never played cards with him?

A. No, sir.

Q. Have you ever drank or smoked with him?

A. No, sir.

Q. With Mr. Rumsey?

A. No, sir.

Q. Never have had any talk with him upon any subject, have you, whatever, outside of this hall?

A. Well, I said no. I think I did two years ago.

Q. I mean this session?

A. No, I think not.

Q. Did you ever smoke with Mr. Rumsey?

A. I think Mr. Rumsey and I rode down on the train to Leslie together. I think I sat in the same seat with him and we talked all the way down.

Q. When?

A. Two years ago.

Q. I am asking about this session.

A. No, nothing this session.

Q. Have you ever smoked or drank or played cards with him?

A. No, sir.

Q. Mr. T. H. Williams—are you at all intimate with him?

A. No, sir.

Q. Ever had any talk with him outside of this hall?

A. Well, yes, I have talked with him outside of this hall.

Q. You are not at all intimate with him, are you?

A. No, sir.

Q. Have you ever drank, smoked or played cards with him?

A. I have played cards with him.

Q. Ever drank or smoked with him?

A. No, sir.

Q. Where did you play cards with him?

A. On the train going from Jackson to Grand Rapids.

Q. Is it not a fact that there are other members of this House with whom you are much more intimate than these fifteen just named?

A. I don't think so. I don't know of but one or two in this whole House that I am intimate with. I don't think there are more than one or two in this whole House that I am intimate with.

Q. Mr. Baldwin desires me to ask you when and where you ever played cards with him.

A. Going from here to Saginaw.

Q. On the train?

A. Yes, sir.

Q. Are you sure you ever had any talk with him concerning the charter or anything else except to say how do you do, and to pass the time of day?

A. As I said before, I thought I had but I was not sure.

Q. Is it not a fact that there are other members in this House with whom you are better acquainted than with these fifteen just named?

Mr. Dodge—The witness has already answered that question now.

Mr. Conductor Herrington—I ask to have him answer the question.

The Speaker—Answer the question.

Q. I ask you if there are not a good many other members of this House with whom you are better acquainted than with the fifteen mentioned.

A. No, sir. You say a "good many."

Q. Are you not better acquainted with Mr. Linton?

A. No, sir; I am not better acquainted with Mr. Linton, that I know of, than I be with Mr. Rumsey.

Q. Are you not better acquainted with Mr. Snow?

A. Yes, sir, I think probably I am somewhat.

Q. Are you not better acquainted with Mr. McGregor?

A. Yes, sir.

Q. Are you not better acquainted with those men who sit around you here in the House than with those fifteen?

A. Well, there might be one or two.

Q. None of those fifteen sit close to you in the House, do they?

A. No, sir.

Q. None of those fifteen board where you do, do they?

A. No, sir.

Q. There are quite a number of members sitting within a radius of ten feet of you are there not, in this House?

A. Yes, sir, there are some.

Q. There are some members who board down at the Eichele House where you board, are there not?

A. Not sitting within ten feet of me.

Q. Some members of this House board at the Eichele House?

A. Yes, sir, there are a couple.

Q. You are better acquainted with those members than you are with any of the fifteen. are you not?

A. I am with one of them.

Q. Are you not with both of them? Neither of those two men who board at the Eichele House are on this list?

A. No.

Q. Don't you meet them at meals and walk up and down with them?

A. Yes, sir.

Q. Are you not better acquainted with some of the Grand Army men whose names are not on this list than with persons whose names are on this list? You are a Grand Army man, are you not?

A. Yes, sir.

Q. Have meetings here?

A. Yes, sir.

Q. Been thrown in contact with them in that way?

A. I do not think I have attended but one of their meetings.

Q. You are also a knight of labor are you not?

Mr. Holden—He has testified he is.

Q. You are a knight of labor are you not?

A. I am happy to say I am.

Q. I did not consider it was anything disgraceful or I would not have asked you. You are better acquainted with some knights of labor whose names are not on this list than with the members whose names are on the list?

A. Perhaps three or four.

Q. Are you not with half a dozen?

A. Might be half a dozen.

Q. You have met here frequently have you not?

A. Not that I know of.

Q. Have you never been present at meetings of Knights of Labor here in this House?

A. Yes, sir.

Q. I wish to ask you why you put \$25 opposite Mr. Rumsey's name?

A. I have no particular idea.

Q. Did you state "There is a man that will have to have \$25?"

A. No, sir.

Q. Did Mr. Crowley say "What, Rumsey for \$25?"

A. I think he did say that.

Q. Did you make any reply to it?

A. No, sir.

Q. You can make no explanation of why you put \$25 opposite Mr. Rumseys name?

A. No, sir; no particular explanation.

Q. Can you make any explanation of why you put \$5 opposite Mr. McCormick's name?

A. No, sir.

Q. Can you make any explanation of why you put \$10 opposite Mr. Diekema's name?

A. No, sir.

Q. Or the amounts opposite the names of any of the other members?

A. No, sir.

Q. No explanation whatever?

A. No, sir.

Q. It has been suggested that I ask you this question: "When you mentioned playing cards, you meant playing cards socially, and not for money?"

A. That is what I meant.

Q. Did you have a conversation with the mayor at your house, in Saginaw, about the 16th or 17th of this month?

A. Yes, sir, Sunday.

Q. Did the mayor state to you at that time that it would be necessary to bring some money down to get the charter through, but that he did not have any himself?

A. He said it would be necessary to bring down some money to pay the expense.

Q. Are you sure that he said to pay the expenses?

A. That is the way I understood it.

Q. I did not ask you if that is how you understood it. I asked you if that is what he said.

A. That is the way I understood it.

Q. Is that the way you understand he said it; is that what you mean?

A. Yes, sir.

Q. Were you present when he had a talk with Mr. Binder?

A. No, sir.

Q. You had a talk with Mr. Eaton on the first floor of this building?

A. Yes sir.

Q. You heard Mr. Fellows testimony?

A. I heard part of it.

Q. Mr. Fellows testified as follows: "As I met them we shook hands and Mr. Eaton asked how things looked in regard —"

The Speaker—The following question has been sent by Mr. S. Baker:

Q. Is it not a fact that the witness never said anything to him about the charter only as some motion was pending before the House, or while the bill was under consideration, or as the House was about to convene when the bill would be taken up?

A. I think Mr. Baker wanted to know where the trouble was betwixt me and the lobby that came down in opposition to me, and I explained it to him.

Q. Did you ever talk with Mr. Baker about the bill outside of the capitol?

A. I don't think I ever did.

The Speaker—The following question is asked: Are there any knights of labor on the list checked, and if so, how many?

A. I do not call to mind now that there are any. Yes, I think there are two.

Mr. Conductor Herrington—Mr. Williams and Mr. Manley?

A. Yes, I think so. I don't know.

By Mr. Conductor Herrington—Q. I was reading to you when interrupted from Mr. Fellows' testimony, "As I met them we shook hands, and Mr. Eaton asked how things looked with regard to the charter. I said they looked first rate, and he said what did Shackleton go back to Saginaw for?" Did that occur down on the first floor in your presence?

A. I think I heard something of that import.

Q. This is also Fellows' testimony: "And Mr. Dakin spoke and said he went back with Linton to fix his matter of Florence between East Saginaw and Saginaw City and to bring back some money to give him for Fellows' expenses?"

A. Yes, sir.

Q. You said that?

A. I think I did.

Q. "And Mr. Eaton asked him if he thought any money could be used with the members in the interest of the charter,"—did Mr. Eaton ask that of you?

A. I don't remember.

Q. And did you reply in the language of Mr. Fellows, "Mr. Dakin says of course he could in a social way?"

A. I might have said that. Read that again.

Q. "Mr. Dakin says of course he could in a social way."

A. I might have said that. I don't know.

Q. If you did say that that was the first talk about money, was it not?

A. The first talk I had about money was at my house.

Q. If you did say it to Mr. Eaton, that was the first talk you ever had with him about money?

A. Yes, sir.

Q. And if you did say that then, you first broached the subject of money to Mr. Eaton, did you not?

A. I never broached the subject of money to Mr. Eaton.

Q. If you said that you did, did you not?

A. That was the only time there was anything said about money, at that time.

Q. Then you first spoke of the subject of money, did you not?

A. Under that head, yes.

Q. And after Mr. Eaton asked you if you thought money could be used with the members in the interest of the charter, you replied "Of course it could, in a social way?"

A. No, I don't recollect that and I don't think it.

Q. What did you do Monday after you reached here?

A. I came up to the hall I think.

Q. Did you attend the session of the House that afternoon?

A. Yes, sir.

Q. Did Mr. Fellows say in the presence of yourself and the mayor on Monday evening that money could be used to good advantage here?

A. No, sir. On Monday evening?

Q. Yes.

A. Here?

Q. Yes.

A. No, sir.

Q. Anywhere in Lansing?

A. No, sir.

Q. On your going to the train with the mayor on Tuesday morning did you ask the mayor for that two dollars?

A. No, sir.

Q. Didn't you know you were doing wrong when you kept it?

A. No, sir; if I did I should not have kept it.

Q. What did you keep it for? What right did you think you had to keep that two dollars?

A. I had just as much right to keep it as I would to throw it down on the ground.

Q. Mr. Shackelton didn't owe you two dollars?

A. No, sir; and when I took it in my hands I didn't know what he wanted.

Q. When he said to take it and buy beer with it did you take it for that purpose?

A. No, sir; because I didn't buy beer with it.

Q. Why did you keep that two dollar bill?

Mr. Dodge—I object to that cross-examination. It is improper in the first place, and in the next place the witness has fully explained everything with regard to the two dollars. He says after he refused it two or three times he finally took it rather than to let it go on the ground, and put it in his pocket, and he now produces it here and says it is the same identical two dollar bill. I think it is improper under the testimony.

The Speaker—Answer the question if you can.

Q. I asked you why you preserved that two dollar bill?

A. Because I didn't want to throw it away.

Q. You kept it in your pocket?

A. Because I didn't want to throw it away.

Q. And that is the only reason why you kept it and produced it here to-day?

A. That is the only reason.

Q. You say you were going to have a feast down at the Eichele house?

A. No, I didn't say that.

Q. What did you say?

A. I said it was our intention.

Q. It was your intention to have a feast down at the Eichele House?

A. Yes, providing—

Q. You got the money?

A. Providing we got the money and providing we got the house, which I was sure of.

Q. You intended to clean out the dining room and have a dance?

A. Yes. I knew it could be procured for the purpose.

Q. Did you intend to invite ladies to this dance, the members and their wives?

A. Yes, sir.

Q. Did you intend to invite Mr. Bentley and his wife to the dance?

A. I intended to invite all those that had wives.

Q. Then you intended to invite Mr. Bentley and his wife, Mr. Burr and his wife, Mr. Deikema and his wife, Mr. Dunbar and his wife, Mr. Engleman and his wife, Mr. Herrington and his wife, Mr. Manley and his wife, Mr. McCormick and his wife, Mr. O'Keefe and his wife, Mr. Rumsey and his wife, Mr. Williams and his wife?

A. Yes, sir.

Q. Mr. Crocker and girl and Mr. Baker and girl?

A. I don't know anything about the girls.

Q. You did intend to invite these members and their wives down to a dance at the Eichel house?

A. Yes, sir.

Q. How many of these fifteen whom I have named did you know were in the habit of dancing?

A. I didn't know that there was one of them.

Q. Did you intend to invite any others than these fifteen down to the Eichele House to dance?

A. Yes, sir.

Q. Who else?

A. Well, not a great many more, because there wouldn't be room.

Q. About how many others?

A. That I didn't know.

Q. Had you ever met any of the wives of these gentlemen?

A. No, sir.

Q. That is sort of a saloon and restaurant down there, isn't it?

A. Something of that kind.

Q. They keep a bar there?

A. Yes, sir.

Q. And sell liquor?

A. Yes, sir.

Mr. Holden—Do they at the Lansing House also?

A. Yes, sir.

Mr. Conductor Herrington—Wait a moment, I am examining the witness.

Q. How much did you expect it would cost to have this dance down there?

A. I didn't have any expectations.

Q. Didn't you say that when you marked down on this slip you had in your mind how much it would cost?

A. Yes, but I didn't know how much less it would cost.

Q. About how much was it in your mind to spend for that dance and feast?

A. From a hundred to a hundred and twenty or a hundred and fifty dollars. I didn't know the amount I needed.

Q. You intended to have an orchestra from Detroit?

A. I intended to have the best we could get.

Q. Who did you suppose would raise this \$150?

A. I expected the City of Saginaw would.

Q. You expected Mr. Shackleton would contribute?

A. I didn't expect whether he would contribute a cent or not.

Q. You expected the City of Saginaw would contribute it?

A. It didn't make any difference to me.

Q. Who did you expect would contribute it.

Judge Van Zile—I object to it. It seems to me it is a mere matter of speculation. It is not what was said or what was done that the counsel is inquiring about, but it is the expectation of what these gentlemen would do with reference to something that has never happened, and it strikes me it is not proper cross-examination.

The Speaker—Confine your question to what took place.

Mr. Conductor Herrington—I did not wish to state the purpose of this testimony for the very obvious reason we have charged him with soliciting money.

Judge Van Zile—(Interrupting) You haven't made any proof of that.

Mr. Conductor Herrington—I was just about to if you gentlemen had not put your witness on guard. I asked the question who he expected would raise this \$125 for this purpose.

The Speaker—His answer is he thought it would come from the city of Saginaw.

Q. To be allowed as an account passed through the common council?

Judge Van Zile—I object again to this question. It is what he expected as to whether it would be allowed. By a bill passed through the common council. It strikes me that that is not only immaterial, but it is subject to the same objection that I made to the previous question. It certainly is immaterial because there is no charge here that he expected to receive any money. The charge is that he solicited money, not that he expected it, but that he solicited it.

The Speaker—The Chair is of the opinion that the question is not proper.

Q. Whom did you expect would bring this money down, the mayor?

Judge Van Zile—I make the same objection to this question. It is mere speculation; there is nothing of that kind and it is not anything that has happened.

Q. I will change the question. Did you expect to get this money from Mayor Shackleton?

Judge Van Zile—I make the same objection.

The Speaker—He may answer that.

A. I expected this far, that when Mr. Shackleton was at my house he says it will probably be necessary to take some money out in interest of the charter.

Q. Then you expected that he would, did you not?

A. I didn't know whether he would or not.

Q. Did you expect this \$125 would come through the mayor, Mr. Shackleton?

Mr. Holden—Mr. Speaker, you have already ruled out the question and very properly, I think.

Mr. Conductor Herrington—He has already ruled it in.

Mr. Holden—Then why ask it again?

Mr. Conductor Herrington—Because the witness did not answer the question.

The question was here read by the official stenographer as follows:

Q. Did you expect this \$125 would come through the mayor, Mr. Shackleton?

A. I didn't expect it from Mr. Shackleton no more than from the rest of the committee.

Q. Did you expect any of it from Mr. Shackleton?

A. No, sir.

Q. None whatever?

A. I expected it from him the same as I did the rest of them.

Q. Then you did expect some from Mr. Shackleton?

A. But not the \$125 because I didn't know that I could get that amount.

Q. But you expected Mr. Shackleton would contribute some of this \$125 or the amount that was raised?

A. I didn't expect it because I didn't know anything about it.

Q. You stated that you expected he would contribute with the rest of them. Whom do you mean by the rest of them?

A. I mean Mr. Eaton when he said to me that he had some money and wanted to know if I wanted some to help further along the interests of this charter.

Q. Then you expected to get some from Mr. Eaton as I understand you?

Mr. Dodge—I submit that is not quite fair. He is calling Mr. Eaton into this transaction and saying "You expected to get some money from Mr. Eaton, did you?" This witness says he didn't have any expectations at all, and yet counsel is constantly insisting that this witness had some expectations about the matter that he disclaims entirely. If the speaker please, this witness, until the final action of this House upon the question pending here ought to be treated with at least the common courtesy as given in courts of the lowest possible jurisdiction. He ought not to be crowded in the manner that counsel are undertaking to pursue with him, and he is entitled to a little more consideration than witnesses ordinarily on the stand until this House has, by a vote, pronounced their verdict upon him, and then, if it is not guilty in the fullest extent, he is entitled to as much consideration perhaps as any other member.

Mr. Conductor Herrington—The gentleman has made quite a speech to the House, and I will make a little one. I will say that on the direct examination we did not make an objection. We let everything come in, and we hoped that they would not try to conceal anything on the defense.

The Speaker—Answer the question.

(The question was read by the official stenographer as follows:)

Q. Then you expected to get some from Mr. Eaton, as I understand you?

A. As I said before, I didn't expect anything.

Q. Why did you talk about the person if you didn't expect anything?

A. From any particular one. It was told to me that there was money offered to me if I wanted it for that purpose.

Q. Didn't you expect to get some from Mr. Eaton, when he told you that he would see what he could do about it?

A. I didn't expect whether he would fulfill or if he would do as he said or not.

Q. Who do you mean by the rest of them?

A. I mean Mr. Shackleton.

Q. Who else?

A. Mr. Crowley.

Q. Who else?

A. Mr. Tillotson.

Q. Who else?

A. That is all.

Q. Have you from the time you came down here upon last Monday morning up to the present time tried to conceal anything or cover up anything? I mean on the morning of the 18th?

A. Not that I know of.

Q. From the morning of the 18th to the present time have you tried to conceal or cover up anything that you had done?

A. Not that I know of.

Q. Do you consider that you did anything wrong?

A. Well, yes.

Q. When did you first come to that conclusion?

A. When I made out the list.

Q. You knew then that you had done something wrong?

A. I knew since that I did.

Q. How soon after making out that list did you know that you had done wrong?

A. Probably 15 or 20 minutes.

Q. That list was made out on Tuesday, the 19th?

A. I knew it when Mr. Fellows spoke to me about it.

Q. Then in your statement to the 15 members in the Speaker's room didn't you state that you didn't consider that you had done anything wrong?

Judge Van Zile—I object to that. That statement is taken down and reduced to writing and been introduced in this case and it is the best evidence of what he said.

Q. In your statement you said "I consider this an honorable thing to do."

A. Getting up the dance, yes.

Judge Van Zile—I wish you would read what precedes that.

Mr. Herrington—This is it: "I had seen three of these men smoke and no more. I considered this an honorable thing to do. I didn't intend to let you know whose money was feasting you."

Q. That is what you referred to when you said that you considered it an honorable thing to do, did you?

A. About the feast, yes.

Q. You referred to the feasting and not to the getting of the money?

A. Well, I thought it would be an honorable thing to get the money for the feast, yes.

Q. Did you think it was an honorable thing for you to write down the amounts opposite the names of the fifteen?

A. I found out afterwards it was not.

Q. When did you first come to that conclusion?

A. When Mr. Fellows spoke to me about it.

Q. Then when you were in the Speaker's room, what was your idea there; had you then concluded it was a wrong thing to do?

A. Which?

Q. To write down those amounts opposite the names of the fifteen.

A. I don't understand that question.

Q. At the time you were in the Speaker's room when these 15 members were present did you then conclude that you did a dishonorable thing in writing down opposite their names the amounts of five, ten and twenty-five dollars?

A. I don't think it is dishonorable only it was out of place and it should not have been done.

Q. Then you consider now that there was nothing dishonorable in that, do you?

A. I did not consider it a crime.

Q. Did you consider it dishonorable?

A. I didn't do right.

Q. Did you consider it dishonorable? Can't you answer that?

A. You could not call it honorable or dishonorable I think.

Q. Did you consider it right or wrong?

Mr. Dodge—He has stated repeatedly that he did not consider it right, or honorable or dishonorable.

Q. Will you answer whether you considered it right or wrong? I have not asked you the question before?

A. Well, yes, I should not have done it.

Q. Then you consider it wrong?

Mr. Holden—He has so stated.

Q. Mr. Conductor Herrington—Do you admit that he has stated it was wrong?

Mr. Holden—Certainly we will admit that he stated it over and over when he first began to realize it.

Q. Did you so consider it when you were in the Speaker's room?

A. I cannot remember what I considered then.

Q. You say an agreement was had between Mr. Shackleton and Mr. Linton on the evening of the 18th?

A. Yes, sir.

Q. And it was then considered that the charter bill would go through without opposition?

A. No, sir.

Q. When did you first consider that the bill would go through without opposition?

A. I never considered it that way yet.

Q. You stated in your direct examination that you told some of these gentlemen that the bill would go through all right if there was no opposition from the committee?

A. I don't think I stated that. If I did I didn't understand it, because I knew East Saginaw would fight it anyway.

Q. Why did you try to get this slip of paper from Mr. Eaton?

A. After Mr. Fellows had apprised me of the fact that I hadn't done the proper thing.

Q. You said they could give the money to Fellows. If it was an honorable thing to do why did you want them to give the money to Fellows?

A. Because I didn't want anything to do with it—that is, with the handling of the money. I am very peculiar about that; I want to account for every cent I have.

Q. When you were in the Speaker's room and these fifteen members present, you were not threatened in any way—were you?

A. No, sir.

Q. Nor intimidated?

A. I think not.

Q. You were treated courteously?

A. Yes, sir.

Q. You were not excited?

A. About that I should say I was.

Q. Was the bill to amend the charter of the city of Saginaw, which was prepared under the direction of the common council of the city, sent to you for introduction to the House?

A. No, sir; it was given to me.

Q. Did you introduce that bill?

A. No, sir.

Q. Who did?

A. No one.

Q. Why didn't you introduce it?

Mr. Dodge—I object to that as immaterial.

Q. Was any other bill to amend or to revise the charter of the city of Saginaw sent to you or given to you to be introduced by you to this House?

A. Yes, sir.

Q. By whom was it given or sent to you?

A. By the secretary of the union labor party.

Q. Who prepared the bill?

A. A committee of union labor men.

Q. Who drafted it?

A. The Hon. L. C. Holden.

Q. One of your counsel. By whose order do you know, was this bill prepared which you introduced?

A. By the working people of Saginaw.

Q. You introduced the last named bill, did you?

A. Which bill do you mean?

Q. The bill prepared by the local assembly.

A. There was not a bill prepared by the local assembly.

Q. Well, the Knights of Labor?

A. Nor by the Knights of Labor.

Q. Did you substitute the last-named bill for the bill which you understood was prepared by the council?

A. No, sir, made no substitute whatever.

Q. Who did substitute?

A. No one.

Q. Did you tell any citizen of Saginaw that the bill you had introduced in the House amending the charter of the city of Saginaw, and which passed the House under a suspension of the rules, without reference to any committee of the House, was the same bill that had been sent to you as a bill prepared by the Common Council, and that it had passed the House in the form in which you received it, without amendment?

Mr. Holden—That is objected to as too indefinite.

The Speaker—Let the witness answer the question.

A. No, sir.

Q. Which bill was it that passed the House?

A. The labor union bill—the union labor bill.

The following question submitted by a member, was read by the Speaker:

In making the list of names, why did you put the different amounts opposite different names?

A. Just merely to make up the amount which I thought would be necessary.

Q. Have you ever met Mr. T. H. Williams in an assembly of Knights of Labor?

Mr. Ogg—You need not answer that question, Mr. Dakin. Mr. Speaker—

Mr. Dakin has taken an obligation as a Knight of Labor not to reveal such matters as that. He is not supposed to tell what takes place.

The Speaker—Mr. Dakin can assert this right if he desires.

Mr. Dodge—The Speaker has a right to protect the witness.

Mr. Holden—That is a privileged question, which I think the member who submitted it, if he understood the matters, would undoubtedly withdraw.

Mr. T. H. Williams—I submitted that question, and I would like an answer to it.

Witness—You can have it. I don't think I ever met you in an assembly. I have not been in one in this city.

The Speaker—Here is another question which Mr. Williams sends up:

Q. How do you know that Mr. Williams is a member of that organization?

Mr. Dodge—Has he testified to any such thing?

Witness—I did not say that he was.

Mr. T. H. Williams—He said so.

A. I said I *thought* there were two and I named them.

Q. Whom did you refer to?

A. Mr. Williams and Mr. Manly.

The Speaker—Are there any other questions?

Mr. Grenell—Ask him if he knows, of his own knowledge, that either of these gentlemen are knights of labor.

The Speaker—Do you know of your own knowledge that either of these gentlemen are knights of labor?

A. No, sir.

Mr. Holden—That was only an impression of your own that you had in regard to it?

A. Yes, sir, just an impression.

Q. You do not claim to have any knowledge upon the subject?

A. No, sir.

Q. Were you ever intoxicated?

A. No, sir.

Q. Concerning the Eichele House in this city, it has been asked if they did not have a bar there and you stated that they have. Where is the bar with reference to the dining-room?

A. It is on one side of the house, and where the stairs go down to the dining-room is on the opposite side.

Q. On the same floor?

A. No, sir, on another floor.

Q. On a different floor altogether from the dining-room?

A. From the bar.

Q. That is, the bar and dining-room are on different floors?

A. Yes, sir.

Q. Is it not a fact that a large number of very respectable people, members of this House some of them, and some of the Senate, and other gentlemen stop there?

A. Yes, sir.

Q. At that hotel?

A. Yes, sir; I have seen as respectable people there as I ever saw anywhere.

Q. Is it not a fact that at least one or two Senators have stopped there during the present session?

A. Yes, sir.

Q. As regular boarders and are yet there?

A. Yes, sir, I think there were three two years ago.

Q. And some of our town's people—business men—board there?

A. Yes, sir.

Q. Lansing people?

A. Yes, sir.

Q. It is a fact that at both the Lansing House and the Hudson House and the Chapman House they also have dining rooms and bars, is it not?

Mr. Conductor Herrington—That is objected to as incompetent and immaterial.

The Speaker.—Answer the question.

A. Yes, sir; as far as I know.

Q. Is there any hotel in this town, so far as you know, where they do not have both a dining room and a bar?

A. I think there is one down by the bridge. I don't know how it is now, but about a year ago I was there and I think they did not have a bar.

Q. That is the only one you know of and that is simply an impression as to whether they do or do not?

A. Yes, sir.

Q. Speaking about the charter which you say was prepared by the direction of the working men and introduced by you, you have stated that the writing was done by myself?

A. As far as I know, yes, sir. I wish to make that qualification.

Q. And were among those working people that requested the writing to be done, a number of the members of the common council?

A. Yes, sir.

Q. And do you know whether they brought to the one who wrote the particular sections they desired amended, and a written statement of the manner in which they desired them to be changed?

A. Yes, sir.

Q. And it was drawn precisely in accordance with their request in that respect, was it not?

A. Yes, sir.

Q. And aside from that I have had nothing whatever to do with it have I?

A. No, sir.

Q. Either in Saginaw or since it has arrived here?

A. No, sir.

Q. So far as you know, what part have I taken in getting that measure before this House or through it, or to defeat it in any way?

A. None whatever.

Q. Some question was asked in regard to playing cards, and the gentleman asked further if it was for money and you said no. Did you ever play for money or any valuable thing?

A. I never played cards for money in my life.

Q. Whatever card playing you have done has been simply in a social way

A. Yes, sir.

Q. With friends?

A. Yes, sir.

The Speaker—Mr. Manly sends up this question:

Q. Did you not mark those names without regard to who they were?

A. No, sir, I think I had regard.

Mr. Conductor Herrington—What regard?

A. That they were influential men of the House.

Mr. Conductor Herrington—And you picked out those that you considered were the leading influential men?

A. A part of the leading and influential men.

Q. And picked them out because of their standing?

A. Yes, sir.

Q. Both as intelligent and upright honorable men?

A. Yes, sir.

Q. Picked them out for that reason?

A. Yes, sir.

Q. And because their character was above reproach?

A. Yes, sir.

By Mr. Holden:

Q. No amounts were put there until Mr. Eaton had induced you to check certain influential ones?

A. No sir.

Q. And then after that you were asked by Mr. Eaton to put the amounts opposite the names?

A. As a matter of convenience to know about what was wanted, he said.

The Speaker—Mr. Holt sends up the following question:

“You stated that Mr. Eaton said at the time the roll call was made that this matter should go no further, did you not?”

A. Yes, sir.

Q. If so, what did you understand Mr. Eaton to mean by the expression, and did you not wish that the matter should be kept secret?

A. No, sir, not a word said. He made that remark, and there was nothing said before or previously in relation to that remark.

Q. Further than this, did you not then and there think you had done wrong?

A. No, sir.

Mr. Dodge—Jerome Shank will please take the stand.

TESTIMONY OF JEROME V. SHANK.

By Mr. Dodge:

Q. What is your full name?

A. Jerome I. Shank.

Q. Where do you reside?

A. In this city.

Q. How long have you lived in this city?

A. About three years.

Q. I hear one of the members ask what Shank you are. Are you a brother of Dr. Shank of this city?

A. I am.

Q. What is your business?

A. At present I have no business. I am doing a little writing for the examining board here.

Q. What examining board?

A. The board of pension examiners.

Q. What other business do you do at your leisure, if any?

A. Why, I do a little gardening and write some for the paper.

Q. What papers do you contribute to?

A. At present I am contributing to the Lansing Sentinel.

Q. A short time since, within the past two or three weeks, did you meet some gentlemen in the office of the Lansing Sentinel who had something to say to you about the respondent, Milo H. Dakin?

A. I did.

Q. What did those gentlemen have to say to you with reference to Milo H. Dakin, if anything?

Mr. Conductor Diekema—We object until he draws out the fact who those gentlemen were.

Mr. Dodge—I will do that in the next question.

Mr. Conductor Diekema—We object unless that is done at this time.

Mr. Dodge—I promise to do that in the next question.

The Speaker—Reverse the order of the question. Ask the other question first.

Q. Have you seen any one of those gentlemen on the witness stand that you met in the Sentinel office, as you remember?

A. I think I have.

Q. Was it Mr. Frederic L. Eaton, as you remember?

A. Well, I don't know what his first name is.

Q. The witness with glasses who was on the stand?

A. Yes, sir. It is the witness I know here as Mr. Eaton.

Q. What did Frederic L. Eaton say to you about Milo H. Dakin, if anything? Give the substance as nearly as may be.

A. Well, without undertaking to give the whole conversation, if I am right about recognizing Mr. Eaton, he said to me that that man Dakin was raising, I think he said the devil, with the charter—alluding to the Saginaw charter—and that “we” meaning himself and the gentlemen with him.

Mr. Conductor Herrington—We object to what he meant. State what he said.

A. Well, that “We are down here to knock him out,” and I think he said “he—perhaps ‘we’—are after Mr. Dakin's scalp, and mean to have it.”

Q. About what day was it or date?

A. It was on a Monday, and either two or three weeks ago, I think.

Q. You cannot be positive about the exact date?

A. No, sir, I remember it was on Monday because, on their speaking of going up to the House from the Sentinel office, I remarked that the House would not be in session, it being Monday forenoon.

Q. How many gentlemen were there in company with Mr. Eaton on that occasion?

A. Two I think, possibly three.

Q. Was there any one else aside from the three gentlemen and Mr. Eaton present in the office of the Lansing Sentinel except yourself?

A. No, I was alone in the office when they came in.

Q. What was the first inquiry that Mr. Eaton made when he approached you in the office?

A. They came into the office in a blustering way and greeted me as if they thought they knew me, or at least that was the impression it made on my mind.

Mr. Conductor Herrington—Tell us how they greeted you and not your impression.

Q. State now everything that took place, how this man acted and what they said to you on this occasion.

A. I think when they came in that the gentleman whom I believe to be Mr. Eaton spoke very familiarly and said, "Good morning, or good day," and on looking up I saw that he had discovered that I was not the person he took me to be. I was sitting in the chair at the desk usually occupied by the editor, and after a little talk among themselves, not addressed to me, he enquired if I knew where Dakin was, and I told him I did not, and I think I asked him who Dakin was. I know at the time I did not know who Dakin was. I think I asked him who Dakin was. I was informed by him, or by some one of the three, I could not say which, answered me, who spoke up and said it was that damned traitor who was Representative from Saginaw. I asked in what respect he was a traitor, or words to that effect. I do not pretend to remember just my language, but I am sure that was the substance of my inquiry, and then they told me about his having introduced here a charter different to the one that they had entrusted to him to introduce, or expected him to introduce, I would not say which it was, and went on to say that he and Fellows were damned traitors. I think that is the precise expression that was used. I will try to recall it fully.

Q. What time of the day was this?

A. It was in the forenoon, and about noon.

Q. This was not in the printing office where the work is done, it was a sort of an editorial room or the room used for editorial purposes?

A. It was in the room used for editorial purposes.

Q. And that office is located on Michigan avenue, leading to the capitol, on this side of Washington avenue, and is known as the Barnes & Gillett Block?

A. Yes, sir. I think, then, that one of them spoke about going up to the House, and I suggested that the members of the house would not be up here, it being Monday forenoon, and one of them, I cannot say which it was, said, "We will go up to the House anyhow," and upon that they appeared to be about leaving the office. I then remembered that the representative from Saginaw was a Knight of Labor and a workingman's representative, and being that sort of a man myself I felt some interest in it, and asked if they were a delegation down from Saginaw to oppose Mr. Dakin, and was informed that they were. This was about as they were leaving the office, and the gentleman, whom I believe to be Mr. Eaton, on leaving apparently to go up here, in accordance with the purpose they had announced, replying to my question whether they had come down as a delegation to oppose Mr. Dakin, made substantially this remark, "that they were after his scalp and meant to have it."

Q. Was that the subject of the conversation had between you and these gentlemen?

A. That is the substance, and the conclusion of it, for that matter, for they went out of the room, and I supposed came up here.

Q. Since Mr. Eaton has been upon the witness stand, and you have first seen him here from the gallery, have you taken particular pains to get closer to the gentleman, in order to be able to recognize him more readily?

A. I have.

Q. And now you give it as your judgment, from his appearance, and from what you have seen of him on the witness stand and elsewhere by coming in close contact, that he is one of the three gentlemen. Am I correct?

A. Yes, sir.

Q. Did these three gentlemen give you to understand that they were a com-

mittee themselves, or a part of a committee or delegation from Saginaw with reference to the city charter bill?

A. I got the impression that there were others down with them.

Q. With whom they came about this business?

A. Yes, sir, that they were from Saginaw as a company of men, a delegation perhaps you would call it.

Q. Did the other two gentlemen whom you think were in company appear to you as though they were laboring men, or were they men comfortably well-dressed and appeared more like perhaps merchants or business men or lumber men?

A. I do not think I got the impression that they were laboring men.

Q. You think you could have been able to judge whether they were laboring men from their appearance?

A. They were not in laboring men's work-day clothes, certainly.

Q. Are you acquainted with Mr. Dakin?

A. I know him when I see him.

Q. How long have you known him?

A. Only a few days.

CROSS-EXAMINATION BY CONDUCTOR DIEKEMA.

Q. In what part of Lansing do you reside?

A. On Grand street.

Q. What part of Lansing is that, in what direction from here?

A. The street next to the river, on this side of the river.

Q. Have you a family?

A. I have three children.

Q. A wife?

A. No, sir.

Q. Do you live anywhere near Mr. Dodge?

A. I should think Mr. Dodge's home is about half way to the place I reside from the capitol.

Q. To whom did you first tell this story?

A. I cannot tell to whom I first told it.

Q. Have you any recollection on that subject?

A. No, sir, I have not.

Q. Do you remember about what time it was that you first told this story?

A. No, I could not tell you.

Q. Did you tell this story to anybody before you told it to Mr. Dodge?

A. Yes, sir, I think I did.

Q. Do you remember to whom?

A. I told it to my brother, Dr. Shank, and I told it to the editor of the Sentinel, Mr. Potter.

Q. At what time did you tell it to the editor of the Sentinel?

A. I should think it was about two or three days ago.

Q. You say it was about three weeks ago on Monday that this happened?

A. Two or three weeks.

Q. Are you sure whether it was two or three weeks?

A. No, I am not sure. I could not positively say whether it was two or three.

Q. You are sure it was at least two weeks?

A. I think it was at least two weeks. It was not last Monday.

Q. Are you sure it was on Monday?

A. I feel very confident it was Monday for the reason I gave.

Q. What was the reason?

A. I remember the fact of speaking to them about it that they would not find the members here because it was Monday forenoon and the members would not be back.

Q. Can you refresh your memory and tell us whether that was not a week ago last Monday?

A. I have tried very hard and cannot do it.

Q. You can state it was either a week ago last Monday or one Monday previous to that?

A. I should think so.

Q. Can you be positive?

A. I think I can be positive about that.

Q. So we can take it as your positive statement that this conversation in the editor's room was a week ago last Monday or one Monday previous to that?

A. Yes, sir.

Q. You say it was about 11 o'clock when they entered?

A. Perhaps a little later.

Q. Have you been able to recognize either of the other two men?

A. No, I have not; and I have looked carefully for them, too. I would like to say—I don't know as it is worth while to say it—but I do not see well.

Q. How long have you had this trouble that you cannot see well.

A. A good many years.

Q. Growing worse?

A. Yes, sir.

Q. Did you have your glasses on that morning?

A. Yes, sir.

Q. How far distant can you see easily and distinctly a person?

A. In such a light as this I could recognize a person with whom I was familiar sitting at the table. I now can recognize Mr. Dodge.

Q. If you were not familiar with a person would you recognize him meeting him on the street?

A. Across the street from me, I think not.

Q. What seems to have been the trouble with your sight?

A. That has been a long while a mystery to me. I cannot tell you. I cannot see, that is all.

Q. What business have you been engaged in for the last year?

A. For the last three years I have had no business except that that I have stated. I have done a little writing for the pension board.

Q. Before those three years?

A. I have been a farmer, and have been a clerk in the capitol three or four years.

Q. Where did you reside before you came to Lansing?

A. I have resided in the State of New York, in the State of Kansas, in the territory of Minnesota and in the State of Indiana.

Q. Where did you reside before you came to Lansing?

A. In the State of Indiana.

Q. How long?

A. About seven or eight months.

Q. Lived in one place all that time?

A. No, not all that time; nearly all that time.

Q. What were you doing there ?

A. I went there as agent for an encyclopedia.

Q. Was your family with you in Indiana ?

A. No; I have not lived with my family in about 12 years, perhaps 11 years.

Q. Why not ?

Mr. Dodge.—I object to that question as to why he has not lived with his family. If there has been any reason for their separation or there has been a separation or any domestic infelicity, I do not think this witness should be called upon to state it. It affects, perhaps, somebody else rather than the witness alone and certainly there can be no good of it.

Mr. Conductor Diekema.—I have not seen the witness until today and I suppose it is very material in this case to know what kind of a man we are dealing with, what his history is, what his occupation has been and so on.

The Speaker.—There is nothing wrong in asking the question.

Question repeated.

A. I should like to state it as briefly and fully as it is necessary. I lost my wife in Kansas on the 15th of September, I think 11 years ago, and her mother, my mother-in-law, reached our home in Kansas the day after my wife died and brought my two youngest children home with her to the State of Michigan, because she could care for them better than I could in our new home, with my small means. My oldest child, a son, then I think nine years old, and myself stayed there about a year and a half, when my health having failed very much, by brother, Dr. Shank of Auburn, New York, came out there and visited me and remained with me some weeks, treating me, and took the remaining part of my family, my oldest son, home with him to New York State, and remaining in Kansas I think about a year after that, and how I got away from Kansas I cannot tell you, I do not know myself.

Q. It was not by cyclone ?

A. No, it was not. The fact is I was deranged; I suppose that is the truth about it. I suppose I came in a deranged state of mind. I cannot tell you about it. There is some time in my life that I cannot account for.

Q. How long a time is that that you cannot account for ?

A. Some months. There is perhaps a year and a half of my life that is quite confused to me.

Q. Mentally deranged ?

A. Yes, sir, I think so.

Q. Did your brother treat you for that ?

A. Yes, sir.

Q. Were you troubled with your eyes also at that time ?

A. O, no, that is an old trouble.

Q. You say that was about eleven years ago ?

A. Not that I came away from Kansas. I should think that was about nine years ago.

Q. You don't know where you went during that time that your mind was deranged ?

A. I don't know. I could not tell you where I went.

DAVID CROWLEY, RECALLED.

Examined by Mr. Dodge.

Q. You have visited Lansing I believe you stated on your direct examination before on several occasions, with reference to your city charter ?

A. Yes, sir.

Q. There has been considerable said about that amount of money that Mr. Fellows expended during those five or six days down here at Lansing, and therefore it is that I desire to ask you about the amount of money you have expended on your several trips down to Lansing?

Mr. Conductor Herrington—We object to that as incompetent, irrelevant and immaterial.

The Speaker—The objection is sustained.

Mr. Dodge—That is our case.

FREDERICK L. EATON RECALLED.

Examined by Mr. Conductor Diekema.

Q. You were present when Mr. Shank gave his testimony here a moment ago, were you not?

A. Yes, sir.

Q. Did you hear his testimony?

A. I heard the greater part of it.

Q. Did you hear his testimony relative to your coming in with two other men to the office of the Sentinel?

A. I did.

Q. What can you say as to the truth of that statement?

A. I say that he is mistaken.

Q. Were you ever in the Sentinel office?

A. I was not. I never was in the Sentinel office in the city of Lansing.

Q. Were you ever in any printing office in the city of Lansing?

A. I never was except yesterday morning I went to the State printing office about 7 o'clock to see if the journal was issued. I stepped to the door and met a gentleman and inquired, and it was not out and I came away.

Q. Were you here in Lansing a week ago last Monday?

A. No, sir.

Q. Were you here in Lansing two weeks ago last Monday?

A. I was not.

Q. Were you here in Lansing three weeks ago last Monday?

A. I was not.

Q. Do you remember that you came to Lansing at all on this charter business on any Monday?

A. Certainly not on any Monday since the 7th of March, and I don't remember being here on any Monday this winter.

Q. How can you fix that date that you were not here on Monday?

A. By reference to my diary.

Q. Have you that diary with you?

A. I have. At what date?

Q. Say for all the Mondays in the last three weeks previous to this week Monday.

A. On Monday the 4th day of April I was at home. If I remember right it was election day. I attended the election. On Monday the 11th day of April I went to Mt. Pleasant and argued and submitted a chancery case, the case of *Saxon vs. Bennet & Harrison*. On Monday the 18th of April I was at work in my office in Saginaw. I drew an agreement between two gentlemen on that date, which I remember I drew about 1 or 2 o'clock in the afternoon.

CROSS-EXAMINATION BY MR. DODGE.

Q. During the examination of the witnesses here have you yourself, or the gentleman over near the picture there, been sending questions to counsel?

A. I have.

Q. You have been taking part in propounding questions to witnesses on the stand?

A. I have.

Q. Who else, aside from members over there of the Saginaw delegation of gentlemen have been propounding questions?

A. I think ex-Senator Foote suggested one question. Aside from that I don't know that any one.

Q. Did you send some questions up to the Speaker, too?

A. No, sir.

Q. Your questions were sent to counsel?

A. I either sent or handed them to counsel?

Q. Then yourself and Mr. Foote and these other gentlemen there have been counseling together and some of you propounding questions or aiding the prosecution?

A. As I have stated.

Q. It is correct as I have stated it, isn't it?

A. Read the question.

The question was read by the official stenographer.

A. I have propounded questions and Mr. Foote has propounded one question or suggested one question.

Q. Have you been consulting together as to the method of conducting this prosecution and offering suggestions in pursuance of your counsel?

A. To whom?

Q. To these gentlemen?

A. I have.

Q. You are especially anxious and interested upon the part of the prosecution in this case, are you not?

A. No, sir. Let me say I am anxious that the facts that I am aware of shall be correctly presented.

Q. Didn't you think that the counsel are capable of getting out those facts without your assistance and the assistance of those other gentlemen from Saginaw?

A. In some instances, no.

Q. Isn't it true that to those gentlemen that you have repeatedly criticized Mr. Dakin and in very severe terms?

A. To which gentlemen?

Q. These gentlemen as well as other gentlemen?

A. I don't understand to whom you allude.

Q. Well, the question is a broad one.

The Speaker—Confine it to somebody; who are these gentlemen?

Mr. Dodge—The gentlemen he has been in consultation with.

Mr. Deikema—Who are they?

A. Colonel Little, Mr. Smith, ex-Senator Foote and ex-Mayor Hill.

Previous question read.

A. It is not. I have stated the facts to them which I have related here in evidence.

Q. Have you given to these gentlemen your personal opinion of Mr. Dakin?

A. I don't remember that I have.

Q. Did you on one occasion coming down on the train, or have you on any occasion ever stated that you would undertake to have the scalp of Mr. Dakin or that you would make him some trouble?

A. No, sir, not at any time or any place.

Q. Or anything of that import or nature?

A. Nor anything of that import or nature.

Q. You are friendly with Mr. Dakin and have up to this time been friendly?

A. Yes, sir.

Q. Then I ask you now why you are so exceedingly anxious to assist and volunteer your services upon the part of the prosecution in this case?

A. Because I am anxious that these facts shall be correctly represented. Further than that I have no interest in the case.

Q. Don't you think that the House of Representatives and the learned counsel here are capable of doing that without your assistance?

A. So far as they know what the facts are, but as they have learned these facts from me, and they have from time to time overlooked some of the facts which I have stated to them, I have called their attention to those facts which I thought they had overlooked.

Q. And the matters that they had overlooked you have suggested to them, and that was your only purpose?

A. That was my only purpose.

Q. Let me ask you in view of this testimony that you have given if you were not especially anxious and interested in this prosecution?

A. I am not.

Mr. Conductor Herrington—I object to that; he has answered it three or four times.

Mr. Conductor Diekema—Did you ever see this man, Mr. Shank, before, that you remember?

A. I do not know that I ever did.

The Speaker—I understand this to be all the testimony. Under rule 9 the final argument on the merits made by three persons on each side, and the argument shall be opened and closed by members of the committee on the part of the House, each speaker being allowed not to exceed thirty minutes.

Judge Van Zile—The rule does not intimate how many gentlemen will speak in opening on the part of the prosecution. I suppose that it will be fair that not to exceed one speech should be made in the closing of this argument. It would be unfair, as it seems to me, for them to make one speech in opening and then make two in closing.

Mr. Conductor Herrington—I will state what the committee have talked of, that is, that the committee should open, then the defense should follow with two speeches, then the defense with one and the committee close.

Judge Van Zile—That would be in violation of the rule.

The Speaker—Not as the chair understands it.

Judge Van Zile—I supposed that the rule was that the committee should open, and then the defense make their arguments and the prosecution close.

The Speaker—It simply says that the "Arguments shall be opened and closed by members of the committee on the part of the House," and that would be so doing it.

Judge Van Zile—There isn't anything in this rule permitting anything on the part of the prosecution, except to open and close the argument. Certainly a speech by them dovetailed between the speeches of the defense would not be either the opening or closing the argument.

Mr. Conductor Herrington—Perhaps before this matter is determined it may be well to have it understood that all witnesses on either side may now be excused.

Mr. Dodge—That is proper.

The Speaker—Unless there is some objection that will be the understanding. All witnesses that have been subpoenaed on either side of this case are now excused.

The chair will take it that the arrangement is that the committee shall open their case, to be followed by two members of the counsel for the accused, when the committee will then be allowed an argument by another of their members, counsel for the defense following with their third argument, and to be closed on the part of the committee of the House. The committee will proceed to open the case upon the part of the House.

Mr. Snow—Mr. Speaker, and gentlemen of the House: When I was elected a member of the Legislature, from the third representative district of the county of Saginaw, I did not for a moment believe that I should be called upon in this capacity, but that I was simply called upon to meet with you, gentlemen, here to revise and make such laws as were necessary to be made to advance and enhance the welfare of the great State of Michigan. But it so happens that I have been somewhat disappointed in my expectations, as this House has seen fit to place upon me a responsibility that I am determined I will not shirk. I have been called upon to act as an attorney in prosecuting my seat-mate, a gentleman who lives in an honest and intelligent class of constituents, a gentleman whom they expected, when they elected him to office, would represent them honestly, conscientiously and uprightly, and to the utmost of his ability in this House. But it seems that by some means or other he has been induced, or has of his own accord and free will seen fit to stamp some of the members of this House with calumny and to bring their names into disrepute.

Under the wise judgment of this House this committee that has been appointed to investigate this matter have, after a careful consideration of the subject as presented to us, instituted and drafted charges against the member from the 1st representative district of the county of Saginaw, and what do those charges set forth? They say that the Hon. Milo H. Dakin did corruptly solicit and endeavor to secure money from said John H. Shackleton mayor of Saginaw City, and Frederic L. Eaton, of Saginaw, and from various other persons for the purpose ostensibly of corruptly using such money among the members of the House of Representatives of the Michigan State Legislature, to influence what? To influence their votes in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees, on labor interests and municipal corporations of the House of Representatives, but in fact for the purpose of corruptly and unlawfully appropriating all or a part of such money for his own personal use and benefit.

In the third charge he had been charged by this committee of corruptly making a list of names of certain members of the House of Representatives of the State of Michigan, together with the amount of money necessary to procure the vote and influence of each of said members, named in said list,

in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees jointly, and that said Milo H. Dakin did represent the said Frederic L. Eaton of Saginaw, that to secure the votes and influence of said members it would be necessary to use with each of them the amount of money set opposite his name, thereby bringing the good name and character of said members into ill repute.

I would say for the benefit of the counsel for the defense in this case that we claim and shall maintain that we have proven beyond a doubt articles two and three as set forth in those charges.

Gentlemen of this House, I am not ashamed to say that I am a resident of the county of Saginaw. On the other hand I am proud because I am a resident of Saginaw, and I hope that the members of this House will not cast any reflections upon me or upon the other members from Saginaw county because this disgraceful arrangement has been made, because this disgraceful transaction has taken place. Saginaw county, as you all know, is in the northern portion of the State of Michigan, and is one of the foremost counties in this great State, located on the Saginaw Bay, and interspersed with navigable streams, a very important and wealthy county.

When the members of that county came down here to represent the best interests of that county and the best interests of the people of the State of Michigan they were expected by their constituents to represent them well; to make laws for one of the grandest and most influential States in the number that goes to make up the Union, a State that stands second to none in the Union as far as educational interests are concerned. We find on almost every four corners school houses, and church spires reared aloft, that represent to the passers by and the travelers who may go through this great State that the word of God is revered. A State that has to-day in its chief executive an honest, a grand, a noble man. A State that has a wise and judicial minded court of last resort. A State that has influential and conscientious and scrupulous men in State offices.

A State that has at the other end of this building, people assembled to represent the best interests of the State, people who sit there to act wisely, people that sit there and look over carefully the little errors that this House may make, and act conscientiously, honestly and uprightly in the whole proceedings. But we have a State to-day, when we come to the Representative Hall, that has cast over it a shadow. A shadow is now lingering over the north end of the Capitol of the State of Michigan, and what is the cause of it? Gentlemen of this House, you have heard the evidence in this case, and you know as well as I what the cause of it is. In my opinion, according to the evidence that has been given you here upon the witness stand, the great prime mover, the first instigator, the first man that had a rotten thought in his mind was the mayor of Saginaw City.

According to the evidence in this case he was the first man that talked money, and, sirs, I candidly believe that if he had never talked money to Representative Dakin that these proceedings would never have been instituted. And, sirs, because of the mayor in the city of Saginaw I claim that it is no excuse whatever for Representative Dakin to place opposite the names of these several gentlemen who are assembled here for a good and grand purpose, these figures.

But, on the other hand, we should decide conscientiously, honestly, according to our best judgment, whether Milo H. Dakin is guilty of the charges preferred against him.

Three or four witnesses have testified upon the stand that Milo H. Dakin placed the several sums of money opposite the respective names of fifteen honorable members of this body. Question: Why did he do it? Did he have an honest purpose in doing it? Did he do it to promote the best interests of this grand State of Michigan? Did he do it because his constituents expected he would do such things when they elected him to office? Or did he do it for the purpose of gain, for the purpose of taking money, a portion of which belonged, according to the testimony, to the hard-working honest, industrious people of the city of Saginaw, with the intention to put it down in his own pocket; money that belonged to the people who live in the city of Saginaw; money that was voted by them to place in the city treasury of Saginaw to advance and enhance the best interests of the people of Saginaw City? I say was that his purpose? Or did he intend to pocket that money if it was paid him, and have a social dance down at the Eichele house and invite members to a social dance who never danced?

Would it cost any more to let the Hon. Mr. Rumsey dance on the floor at the Eichele House than it would to let another member dance who was only classed as a five dollar man? Gentlemen, it looks to me as though he thought that the people that went to make up this great body here were as cheap as the sheep and goats upon a western plain; the sheep at five dollars a head and some of the goats at ten dollars, and one extra goat at twenty-five dollars. (Laughter.) Gentlemen, these intelligent and wise men that represent the best interests of the State of Michigan are not that kind of men. They cannot be bought and sold like so many sheep, and they are men upon whom no price can be fixed. They are not merchantable. They are not to be sold for gold. They are here to revise, repeal, make and put into the statute books such laws as their constituents demand.

This body has seen fit to try one of its members who has transgressed the rules of etiquette, to say the least, by casting these reflections upon these different members; by undertaking to get money of every man that he met on the streets almost—at least every man that hailed from Saginaw; for he knew, undoubtedly, that the people that live in that grand old city of Saginaw have money. There are wealthy people that live in the city of Saginaw, and as the mayor undoubtedly said, in my opinion, they could well afford to furnish the money. There is where the rottenness began, in that ignoramus of a mayor from Saginaw City; and if the good people of the city of Saginaw do not invite him to step down and out, then they ought to be chastised. And I believe they will do it.

Now, gentlemen, the testimony in this case is very plain, indeed. There are other gentlemen who will follow me, who are much more able to present these facts to you than I am, who will argue the merits and the demerits of the testimony in this case. We simply say that we claim that the evidence emphatically shows beyond any question of doubt that articles two and three have been established; and we will simply ask at your hands, gentlemen of this House, that you do justice to yourselves. If you come to the conclusion that Milo H. Dakin has done wrong, say so. If you are satisfied, on the other hand, that Milo H. Dakin has not intentionally done any wrong, and that reparation has been made for the injuries done, say so. Deal honestly, justly, conscientiously, and righteously with this man.

Mr. Bates moved that Rule one be suspended, and that this House stand at recess until seven o'clock, P. M.

For which

Mr. W. A. Baker offered the following substitute:

Resolved, That rule one be changed to read as follows: Rule 1—The House shall meet daily at 10 o'clock A. M., and continue in session until 12 o'clock noon—when the Speaker shall declare a recess until 2 o'clock P. M., when it shall meet again and continue in session until 6:15 o'clock P. M.; when the Speaker shall declare a recess until 7 o'clock P. M., when the House shall meet again and continue in session until the arguments of counsel and committee are completed.

Which was agreed to.

The motion to amend rule 1, as amended by the substitute did not then prevail.

On motion of Mr. Grennel,

Rule 1 was suspended, two-thirds of the members present voting therefor, And the House took a recess until 7 P. M.

EVENING SESSION.

7:00 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The House resumed the investigation of the charges against Representative Dakin.

MR. DODGE.

Mr. Speaker and Gentlemen of the House of Representatives:

This, I think, is the most trying experience in my brief period as a lawyer, and I hardly know how to open this case to you on the part of the defendant. It is something entirely new, not only to me, but entirely new to the people of the State of Michigan. I feel that I have more than an ordinary sense of duty here, and more than all I have a feeling, gentlemen of the House, it is that of sadness indeed. It was my privilege two years ago to serve with the gentleman as a member of this honorable body who is to-day on trial before you charged with malfeasance, misfeasance and venal conduct in office. Those are serious charges. Those are charges that if proven will not only disgrace and forever humiliate the respondent, but will require you, as a sense of duty, to expel him from his seat upon the floor of this House. And now, as these proceedings are drawing to a close, permit me to thank not only the Speaker who has so ably and impartially presided over the proceedings, but the honorable members of this House for the uniform courtesy and attention given while the testimony and arguments that have thus far been made, have been heard.

It has been stated by members, in one or two instances to my knowledge; it has been stated by the press, which I believe is the most powerful moulder of public opinion of the present age—it has been stated that the doom of Milo H. Dakin is sealed, and this came with almost official sanction, and it came before the testimony was commenced in this case, not only from various ones but from the press. They had him tried and convicted, and would have carried the sentence into execution if it had been possible, and to-day he would have been away from Lansing, resting under the disgrace and

ignominy that would follow an expulsion from the House of Representatives. But can this be true? Can it be true of the members of this intelligent body? I apprehend not. When my friend who preceded me, in his eloquent words eulogized the educational institutions of Michigan, in the beautiful language which he employed, when he soared so high and talked about the cloud reaching spires he filled every one of your hearts with a sense of pride, with a sense of gratitude, I have no doubt. At least I with him congratulate the people, not only the representative body here assembled, but the people of the State of Michigan that she stands to-day one of the first States in the Union for those advantages which he so beautifully illustrated, by way of her educational institutions. But while we have those educational institutions is there a lawyer, is there a member of this House who has carefully pursued his business career, that has not discovered that in her courts of justice there have been invariably laid down rules that have always governed, rules that always will govern, rules that affect the vital interest of not only of man's property but his individual liberty.

What is one of those rules? Permit me to call your attention to it. I speak of that rule, laid down as a fundamental principle of law of evidence, of practice and advocated from time immemorial, that intent is the gist of all crime. My friend said to you in the opening of this case that he did not believe that Milo H. Dakin, if I understood him correctly, intentionally committed a wrong. Nor does any man I believe on the floor of this House think that Milo H. Dakin intentionally committed a wrong; if a wrong has been committed, and he himself upon the witness stand says he perhaps committed a wrong, where is the intent, where is the motive? And so with public opinion, with all that has been said upon this subject to mould public opinion and to bias this body if possible, that is sitting to-day in judgment upon Milo H. Dakin, can it be that you have forejudged the case, that you have not been governed by law, not by any rule of evidence, but that you have been governed by idle rumor and by passion, and by feelings of distrust and dislike for this man who to-day is standing at this bar of justice?

If that is true I say to the members of the Michigan Legislature, come not into these magnificent halls to render your verdict, come not here where Milo H. Dakin has for nearly four years served the people of the State of Michigan, where he has to the very best of his ability discharged his trust; where, because of the confidence reposed in him he was re-elected to the Legislature, as was stated, by an increased majority—I say then, if the members of the Michigan Legislature have forestalled a verdict and forgotten the obligation which they took at the bar of the House on the opening day of the session, and that they are not trying this case under the solemn obligation that is upon them to discharge their duty, according to the law and under the obligation they have taken, if that is true, I beg of you not to come into this magnificent chamber to record your verdict, but rather seek out the subterranean recesses of this capitol, where the cheerful light of day never shines, and there erect the altar and immolate the victim.

Who is Milo H. Dakin? Let us briefly allude to his career. Forty-three or four years ago Milo H. Dakin was born in Ingham county, and the testimony I believe shows that he never knew his father, he either having died or been separated from him in his early age. At the age of ten years he went forth to maintain and sustain and protect and provide for his widowed mother. At the age of fifteen he went to the front, enlisted to serve his country, and in behalf of this proud republic he helped achieve the victory. He fought for you and for me. He fought gallantly and he fought well. Never has stigma, disgrace or insult rested upon the name of Milo H. Dakin, as is shown by every witness who has been sworn in the case, until when? Not until

the 19th day of April, 1887. And from whom does it come? This part of the case is the most humiliating thing to me that we have to contend with. It is something that tifies me, that chokes me. It makes me wish that I had never been born, that this man Eaton, a member of the legal profession, who has been sworn as a witness in this case, should take the stand and solemnly say, as he did at the close of the case today, that he has no malice in his heart, no unkindly feeling for Milo H. Dakin. Do you believe it? Gentlemen, upon your oaths and upon your consciences do you believe he told the truth? Do you believe when he told you in his evidence when he first went upon the witness stand, that his feelings were simply a sense of fright, of surprise, of startlement? Do you believe that? If that is true I ask him in the name of God to explain to you how it is that he undertook still further to fasten upon this man the disgrace that has at last attached to him, even though he should be acquitted by the unanimous vote of this body. Would Milo H. Dakin have been here on trial to-day had it not been for this man, Frederic L. Eaton, this man who has hounded him from the beginning to the close, this man whose name has been invoked here as the prosecuting witness?

Members of the House of Representatives, this is an important occasion to Milo H. Dakin and to the people of the State of Michigan. This record will live after you and I have passed away. This record will be here as a monument to your acts, and I beseech you and beg of you now to make haste slowly upon this occasion.

As I said before the press and outside influences have been brought to bear; and why? Because they say that they have a confession, a statement from Milo H. Dakin that condemns him. Condemns him of what? Show me the law, human or divine, that Milo H. Dakin has violated. Show me the first act of criminality. Show me the first thing done by this man that would subject him in a court of justice to reprimand or punishment or fine. You will not undertake that? You took the precaution in your several articles of specification of impeachment to strike out the words "any illegal act," and why did you do it? Because the able and honorable committee appointed here to prosecute this case deemed it was necessary because they were without proof to sustain the allegations. That is the reason.

And now what is the offense. I come down to the time these men were in this restaurant and at the time the marking was done upon this slip of paper, and that is the only thing wrong, or the only crime that I understand will be argued to you in the close of this case on behalf of the prosecution, that Milo H. Dakin, there, in a thoughtless moment and under the influence perhaps of one or two glasses of wine and the associates and surroundings, made those marks there; but he never has denied it. He has admitted everything that has been charged against him, so far as making the marks are concerned and reading off the names. But has it not been the proof in this case, from the beginning to the close, that Milo H. Dakin never has charged one honorable member of this body of being guilty, or being liable or susceptible of approach for any corrupt or unlawful purpose. I apprehend that the members of this House, when they come to consider the case, will be governed by the evidence.

It is laid down as one of the rules that shall govern this proceeding, that you will follow, as near as may be, the rules that govern in courts of justice. Permit me to call your attention to Section 9 Article 4 of the Constitution.

"Each House shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his con-

stituents antecedent to his election. The reason for such expulsion shall be entered upon the Journal, with the names of the members voting on the question."

There is your authority. That is ample and complete. If there is a disposition, under or without the evidence in this case to expel Milo H. Dakin and send him home in disgrace, you have the authority, you have the power. When you have done that you are not only assuming the duty and the responsibility of expelling Milo H. Dakin, but you are establishing a precedent that possibly will govern Legislative bodies, not only in the State of Michigan, but elsewhere, hereafter. This vote will be forever of record. This vote will be forever of reference in cases of this character, if any should happen to arise hereafter, and the charges and the proof and every word of the testimony in the case will be on file for the inspection of succeeding generations, and you sitting here as a branch of the Michigan Legislature will be answerable for the responsibility of your action here, and you alone.

Let me call your attention to one or two citations of authority with reference to the intent necessary to constitute crime.

"There must be a motive. There can be no crime without an intent, and the intent is not always inferable from the act done."

Bishop's Criminal Law, section 212.

"Every crime must have necessarily two constituent parts, viz : An act forbidden by law and an intention."

Bouvier's Law Dictionary, page 647.

"All indictments against officers for misbehavior must show that the act is done by corrupt and partially malicious and improper motives, and above all, with the knowledge that it is wrong."

Wharton's Criminal Law, page 737.

Roscoe's Criminal Evidence, page 804.

Show me the first act, the first thing that has been done by Milo H. Dakin that brings him within the several provisions laid down by these eminent law writers. Not one gentleman of the House of Representatives; and the authorities are replete with decisions upon the question of intent as here stated. I might read twenty-five or fifty citations that I have made upon the subject, but I apprehend there will be no question raised by my friends but the authorities I have cited are the law, not only of Michigan, but of most of the States of the Union if not all of them.

Again, with reference to the intention: "It is the intention with which an act is done that constitutes its criminality. The intent and the act must both concur to constitute the crime, and the intent must therefore be true as well as the other material facts in the information. The proof may be either by evidence direct or indirect tending to establish the fact or by inferences of law from facts proven."

Tiffany's Criminal Law, page 408.

I call your attention to these authorities because of the fact that it seems to me that while you are not seemingly governing this case by the strict rules of evidence laid down by the authorities, and while possibly it is not necessary that you shall have the best possi-

ble excuse for your action in expelling amember, they ought to govern you somewhat in making up your judgment as well here as they would in a court of justice. Mr. Dakin can be expelled beyond any possible question whether or not he has committed a crime under the Constitution. If in your judgment you think he should be expelled from his seat upon the floor of this House for any offense, or for anything you may deem an offense, it is within the province of this Legislature, and by a two-thirds vote they can carry out any design they may have on this man or any other of its members.

I have the honor of knowing personally many members of this Legislature, and I know it would be a tedious thing if I should undertake to read to them the evidence that has been submitted in this case, or even briefly call attention to it, because it must occur to you that there is only one question of vital importance to consider, and that is, from the surrounding facts and circumstances has Milo H. Dakin been guilty of such malfeasance, misfeasance or venal conduct in office that should entitle him to be deprived of his seat.

Some of you, I apprehend, will say that Mr. Dakin is too foolish a man, too silly a man, to be entitled to a seat upon the floor of this House, but if you argue with yourselves in that line of reasoning for a moment, permit me to again call your attention to the constitution, which provides that a man sent here with his infirmities or his condition known to his constituents, it is not a sufficient cause, after he has taken the oath and been sworn in and taken his seat, for removal; in other words if the Saginaw Valley should send down here from every one of its representative districts imbeciles, and they knowing them to be such, having taken the oath of office and their seats upon the floor of this House, that would not, under the constitution of Michigan, be sufficient grounds for you to expel them from their seats. The people know whom they send here, or are supposed to, and in their sovereign capacity they have a right to make the selection, so long as the man who is elected can take the constitutional oath of office. That is all that can be required of him, and he is entitled to his seat, whether he be imbecile or gifted with one of the most brilliant minds in the State of Michigan.

My friend also calls attention to one of Saginaw's citizens and says that there is where the criminal is, and he refers to Mayor Shackleton of Saginaw City. I do not know but what everything he says is true about Mayor Shackleton, but I submit that my learned friend is not talking from the evidence in this case when he makes that deduction or that statement from it. It is not warranted by the evidence. I am not here to defend Mayor Shackleton, I am not interested in his case, except so far as I believe he is entitled to my protection as he is to the protection of every good citizen; but I insist that my friend goes far out of the way to pay that sort of a compliment that the records show he did in his speech to the mayor of Saginaw City. What has Mayor Shackleton got to do with Milo H. Dakin, even suppose he is as rotten as my friend says he is, to the very core? Is Milo H. Dakin responsible for it? I apprehend not. My learned friend talked about Mayor Shackleton, talked about the educational advantages of Michigan a great deal more than he did about Milo H. Dakin. Where is the word uttered, except when he said there is a cloud hanging over the capitol building to-day, that would in any way insinuate or intimate that it rested on the shoulders of Milo H. Dakin. I did not detect it in his speech, and if we were to look into his heart we could not detect it there. I believe Representative Snow is a scrupulously honest man, as is every one of the immortal fifteen with whom I have the honor to be acquainted.

They are candid men and they are honest men. They have had their feelings hurt

and wounded and injured no doubt, but I ask them, in the cool evening of their deliberations and their judgment, will you visit your spite and your animosity upon Milo H. Dakin, or will you coolly consider the facts and evidence and treat this case as you would the case of any other man if he has offended, treat it as you believe on your oaths it deserves and then impose the punishment, if at all. Does it not appear to you from the evidence as though Milo H. Dakin was being pursued not as a criminal but because somebody is undertaking to victimize Milo H. Dakin and connect him with this transaction in a way that forever will disgrace him? Does it not occur to you by the testimony given by this man Eaton, this man whom it seems to me they have resorted to, as the most noxious poisons are sometimes resorted to for medicine. I despised that man from the day he took the witness stand, with every drop of blood in my body, and it is hardly possible for me to look him in the face or speak kindly to him. I cannot do it with any consciousness that I am doing my duty, because I believe that that man, in his bitterness of heart, because of his being defeated for the renomination as city attorney, or for some bad and wicked reason, is pursuing Milo H. Dakin to-day, and this poor man Fellows who has lived so long in the Saginaw valley, and borne a most excellent reputation, that they are each being pursued not as criminals, but being hunted down as victims of a horrible conspiracy.

What is the character of the witnesses upon the part of the prosecution, and what is the character of the witnesses here upon the defense? Every one of those men, if they are honest, have told you on each and every occasion when the question was put to them, that they believed that Milo H. Dakin had, from the beginning of their acquaintance with him to the present time, sustained universally a reputation for purity of character there and honesty in his business transactions, and as a member of the House of Representatives faithful and honest.

Now, how is it that he can be followed right down to this very time, and you satisfy yourselves that because of some mistake that he made upon this occasion, he deserves the censure that this man Eaton and others who are prosecuting and following him would like to have you visit upon him. I ask you, as members of the House, is it not a little strange that Mr. Eaton should be so actively engaged in this prosecution unless he has some other motive than a desire to protect the fair name of of the Saginaw Valley and the State of Michigan? Does it not look a little remarkable that this man should come down here, and that he should make the statement that he did upon the witness stand when he was asked about his purpose and his object, when he said that he had no bad purpose nor intention in view; and yet he meets this man upon the street, and the testimony shows upon their side, without reference to the evidence that comes from the defense, that Milo H. Dakin went into the saloon and sat down in that stall, and made those marks at this man's instance and suggestion. Who is responsible for it? I ask you to ask yourselves, would Milo H. Dakin be here to-night, would he have made those marks on that roll-call, would he ever have been guilty, so far as you know from the evidence in this case, of an offense under the sun, had it not been for Frederick L. Eaton? Is that not true? Of course it is true, and there is no denying it.

I ask you to contrast the two. Here are these men, Eaton and Milo H. Dakin, standing up before you in the image of their Creator—I ask you, barring any prejudice, putting that aside, if it is possible for you to do so, to judge between these two men, Which has been imposed upon? Which has been outraged? Which has brought this disgrace upon the people of the State of Michigan, or at least, which has been the more active in bringing this disgrace upon the people of the State of Michigan, and espe-

cially upon this body. I think you will answer that readily, and there is but one answer to make, that Frederic L. Eaton is the man. And when you come to think, members of this House, that this is being tried by your honorable body, that you are the prosecutors and that we, as humble members of the profession, come in here to contend against the able gentlemen you have selected to conduct the prosecution, and then if they see fit to contend against us by their votes, it seems to me it is a most extraordinary case and one that you should carefully consider and ponder over. It seems to me you cannot afford to act hastily, if you have your minds made up from the newspaper reports and from rumor and gossip that this man is guilty, you ought to be able, when you announce your verdict of guilty to come in here and write it out and say from these facts you find him guilty, and from these facts you can satisfy yourselves that he is guilty. Make the record clear and clean.

I have now occupied my time and ask your pardon for the manner in which I have addressed you, and trusting and sincerely hoping, yes, praying, that you may do simply justice in this case. You would not see me here to-night did I not believe that this man has been shamefully outraged and you unpardonably imposed upon by somebody else ; and now after you have considered the case you will say as you believe in your conscience and as though you were sitting upon a jury, sworn under the strict rules of law and evidence, to render a verdict according to law and justice, and then you will have the satisfaction of having done your duty, and the people of the State of Michigan will abide by your verdict.

SPEECH OF MR. HOLDEN.

Mr. Speaker and Gentlemen of the House of Representatives:—This is indeed an almost unheard of occurrence, and from the bottom of my heart I wish that it were quite unheard of, and that the intelligence and integrity of man were such that they would render it impossible that such proceedings could be had by reason of a lack of any necessity therefor. It is true that rule six of the procedure in this matter provides that it shall be in accordance with the practice and rules governing courts of justice, and yet permit me, gentlemen, to call your attention to the fact that in a court of justice twelve men good and true must be called and sworn for the special occasion to give a verdict in accordance with the evidence and the law as it shall be given to them by the court.

No prejudiced man, no man who has been injured by the act complained of, can in any sense be permitted to sit in judgment ; but by reason of the peculiarity of the law governing this case, it becomes necessary for the very men who have been injured in their feelings, and as they fancy perhaps, in their reputation, to sit in judgment and determine, not whether Milo H. Dakin has wronged another, but whether he has wronged them. I say under the peculiar law which governs matters of this kind you are compelled, if you proceed for the purpose of expulsion, to try the offense against yourselves ; a course unheard of in any other proceeding upon earth. I call your attention to this, not that I believe you will act through spite, but because I know that it is necessary, when one is heated by a supposed wrong, for him to call to his counsel his innermost conscience and cool deliberation, and to say “I, suffering from the injury upon which I am sitting in judgment, must be cautious or I will do a wrong, and when I have cooled, in future years when I look over the record that I have made to-day in my vote upon this matter I will realize most keenly that

‘ Man’s inhumanity to man
Makes countless thousands mourn.’ ”

It is necessary I say, for you to reason with your own consciences in this matter and be cautious, upon this charge of wrong doing in Milo H. Dakin, that you shall not act indiscreetly. I do not believe you will. I believe that the very position will suggest the necessity to each and every one of you to act in such a manner that no person can say that you were not calm, dispassionate and just, as far as it is possible for human kind to be under like circumstances. Gentlemen, what would you think of the parent, when the child has offended, if he should flog him in anger?

No! Better that before the parent metes out punishment to the child, he should wait until he does not feel the offense of his child against himself; wait until he has cooled, and then, tempering justice with mercy, inflict such punishment as cool, dispassionate judgment seems to dictate. Only when that is done are the terms "punishment" and "justice" synonymous. I realize most keenly, as you must, gentlemen, that while you all feel an interest in this matter, there are sixteen members of this honorable body that feel it in a double sense: Milo H. Dakin and the fifteen that he has unwittingly offended. Now it is competent, I presume, for each one of the sixteen to vote upon this question if they will.

I suggest that in my judgment it is simply a matter of taste upon the part of each and every one of those sixteen, a matter of propriety, for them to judge of, and not for me. But now that I have called Milo H. Dakin's attention to his position I should, gentlemen, with all due deference and respect, think it bad taste on his part if he should give the casting vote "not guilty."

What are the charges here? Two of them are that he solicited money with which to corrupt this Legislature, and did it willfully and maliciously.

They point out the persons from whom he solicited the money: the one, Frederic L. Eaton, who came upon the stand here, and in that particular instance, not forgetting the solemnity of his oath, he tells you here with uplifted hand, before Almighty God, that that charge is not true. When asked by counsel for respondent, "Did Milo H. Dakin, on the day named, or at any other time, or at any place on earth, either directly or indirectly solicit money of you?" Frederic L. Eaton with all the emphasis of his voice, said "No." And again, for greater certainty, the question was repeated to him, and he said, "Neither directly nor indirectly has he ever solicited any money from me. Dakin says the same, and those two persons are the only ones that God has created who can testify to it. Both say no, and no one says yes. That ends that charge, then.

The other is that he solicited in like manner money from John H. Shackleton. Shackleton goes upon the stand and in like solemn manner, and with like emphasis says "It is not true." Dakin says the same. That ends that charge. He stands acquitted then under the unanimous proof in this case on those two charges. Aye, he stands acquitted on them now without your verdict; for the Supreme Court of this State, and of every State in the land that has had occasion to pass upon it, says that where the facts are undisputed there is no question to consider. It is settled.

The other charge is that he willfully and corruptly did, on the nineteenth day of the present month, set opposite the names of certain members of the house, certain figures indicating sums of money for which they might be bribed or bought. Did he? No! He put the figures there, but he did not do it in the spirit in which he is charged with doing it. Now, gentlemen, permit me to call your attention carefully to this matter. Let me say first, however, that I have heard remarks, perhaps from members of the jury, that he ought to be condemned for his foolishness. Gentlemen, that is liable to hit almost anyone (outside of the State of Michigan). It is true that Milo H. Dakin

acted unwisely in the matter. But I say, gentlemen, you that know him as I know him and have heard the evidence in this case, have seen him in his simple manners and methods here before you, going out and in all during the present legislative session, and upon the stand, and many of you in the Legislature preceding, cannot say that he acted with an evil design upon one of you.

How then did it come? It came in this way: He had offended one person before he offended the one hundred gentlemen of this honorable body. How had he done it? He had suggested to certain members of the common council of the city of Saginaw where he resides, that a more fit man lived within the city who was capable and willing to fill the position which Mr. Eaton then held; and after seeing Eaton, I think that you would kneel in supplication and lift your voices, if you never did before, to the great God who made us, and beg of Him, if there is none better or more fit there than Eaton, to create one by special means, or otherwise, and place him there. Dakin had suggested the propriety of some other man being the successor of Mr. Eaton as city attorney. Now that was wise, and not otherwise, as every member of this honorable body firmly believes, and yet it was an offense against Eaton. In accordance with that suggestion, whether acting from it or not, almost unanimously, perhaps quite so, the council of his own politics refused to confirm the nomination of the Mayor.

He held his position until the mayor who had nominated him, and been rebuked for so doing, had ceased to live as mayor, and another one who had been in the council the year before, had been elevated by the people of his city to the office of mayor. That new mayor (the old alderman), declined to present Mr. Eaton's name for confirmation as city attorney, and presented another who was at once confirmed, and became Mr. Eaton's successor in office. Mad, with all the venom of his soul he swore by the Eternal he would pursue those two and hound them down. "Like a sleuth hound on the track he's at it." Men do not do things without motive. Aye, we have proven the motive of Frederic L. Eaton, and when he arrived here and entered into conversation himself urging the use of money, if we can believe the evidence in this case at all—he admits that he talked freely about it—he says that he became startled. Startled; aye, startled at the opportunity which he saw to kill three of them at one foul stroke; Dakin, and the mayor who had refused to nominate him, and the alderman who had refused to confirm him; aye, the city of Saginaw he thought owed him that office for another term, and he has got even with Saginaw by trying to blacken her name. Saginaw will live after he is dead and be happy too.

He says that he was startled. He was, but it was at his golden opportunity that he was startled. He tells you it was on account of his own position in the matter. He may now well be startled at his own position in the matter. He has got his foot in it above the waist in my judgment. He tells you that the next object which influenced his course in this matter was to protect the fair name of the members of this Legislature. How did he get at it? He tells you himself that he met Milo H. Dakin and got him into a saloon in this city. He calls it a restaurant. We do not recognize the difference especially where both are run in connection. They had something to drink there, which it seems was an unusual and unheard of occurrence with Milo H. Dakin, that up to half past ten or eleven o'clock that morning he had four drinks of stimulating fluid. It seemed an unfortunate circumstance that every gentleman who came from Saginaw offered to treat Milo until he refused some of them. Eaton was there drinking with him, talking with him about the use of money to get the bill through, and he said he urged it upon him.

And now I am going to take Mr. Eaton at his word, for in this he is corroborated. If he were not I would not take his own word. It might be unfair to him. He tells you that he himself, Eaton, took out of his pocket while he was talking money and the use of it in the Legislature here, a roll call of this House, and urged Milo Dakin first to check the names of such persons as it was necessary for the delegation to meet and to become acquainted with. He urged Milo to check them ; and how did he get them on the record ? Milo commenced naming some in whom he had confidence, though no special acquaintance or special friendship at all, yet he had seen them and knew their ability, their integrity of character, their influence in the House. But that was not sufficient for Eaton. He wanted a list, and he says, " Don't name them, take my roll call and check opposite their names, Milo, the men that we need to talk with in regard to the matters that are nearest our hearts." And Milo, suspecting no wrong, doing no wrong, put against the names of 15 of the good members of this House a check mark. Now said Eaton : " Milo, put down opposite the names of each of these a figure and we will see how much in the aggregate is necessary to raise a fund here for sociability." And Milo, without the slightest intention on his part, by repeated urging and solicitation, put down the figures. And that is the only wrong Milo H. Dakin has done.

I have heard persons within this hall condemn him and say he ought to be expelled—probably good members of this honorable body—because, when confronted with this he went, at your presiding officer's request, before these 15 men whom Eaton sought to ruin along with Dakin, the mayor and aldermen of Saginaw, and made a confession. If he had not done that he would have been all right. It may seem stupid on his part. It may prove to your minds stupidity; but I tell you, it proves something more, something better than stupidity. It proves honesty. Had Milo H. Dakin any evil intention when he put the figures there or suspected that he had done any wrong or any injury to a friend of his in this House, or any member, or if he had been a cunning rascal like the one that had entrapped him, he would have kept still. Then as now, having nothing that he wished to cover up, though there are some things he regrets. He told the truth, the whole truth, and nothing but the truth. And for that will you condemn him ? O, men, is it true that when one frankly owns that he has done you an injury, tells you how he did it, that he is sorry, that you will inflict upon him the greatest punishment within your power ? If that is true, how will it reflect upon your own credit ? What will you do with the man perchance who acts willfully and then tries to lie out of it. Grade your punishments. Reserve something for the scoundrel and not inflict all upon the innocent and unsuspecting, even though he has, in his innocence, injured your feelings.

Mr. Eaton said again that he did it for the purpose of saving the reputation of Saginaw and its fair name. He did it to save from reproach the fifty thousand people of the Saginaws, heretofore the most happy and still the most prosperous and virtuous of any community within the borders of this fair State. He did it in their interest ? Oh, my friends. I hate a hypocrite. If there is any crime that is great, it is that of hypocrisy. Take them as they are, good people, honest people, influential, happy, prosperous beyond comparison with any other community in this State. How can Eaton save their reputation ? Why, by getting the mayor's name here, and then in his letter saying that this was done by the mayor of the city, taking especial pains to point out that it was done by the mayor of the city. Oh, gentlemen, take us as we are; then take us as we would be if instead of us, fifty thousand Eatons lived there. Oh, if that were so, the people that come and go upon the numerous railroads leading into or through

those fair cities would hold their noses and in earnest supplication and great suffocation beg for some one to burn a rag. (Laughter.)

I have but a moment more. I ask you to be calm, cool and dispassionate in this matter, and remember this as a final illustration. That if I gain the confidence of a little child that loves its brother, as Dakin has loved you and yet does, and getting the confidence of that child I tell him to take a knife and in an unsuspecting moment thrust it through the heart of his brother, who is the murderer, the little child, who loves one he has killed, even though he did wrong, having no evil intention upon the object of his act, or I? Not the child, but the one alone that suggested the act. I am the murderer, and the child is the martyr. So it is here. Eaton is the one who has disgraced you. He is the one that says "Make a mark," and the mark thereby became his, and not that of the unsuspecting tool that he was using with which to make it. It was Eaton that said put those fatal figures there, and then proclaimed through this world the fact that he has done it. He says he did it in your interest and in the interest of the fair city which he represents. Place the responsibility where it belongs, but in the name of conscience, gentlemen, do not condemn a man here who has heretofore in every office of life borne a reputation for integrity, honesty and good faith of which any of you might be proud. I appeal to your manhood, honor and your conscience, for your careful consideration of this matter. Do I appeal in vain?

SPEECH OF MR. CONDUCTOR GOODRICH.

Mr. Speaker and Members of the Legislature:

I admire the real cunningness of the two gentlemen who have preceded me, but I do not admire so much their logic. The last gentleman upon the floor, although he has made an eloquent address upon this occasion, tells you that Mr. Dakin is a fool, and he pictured it out so plainly that I think perhaps those who are not acquainted with Mr. Dakin will think he really is a fool; and then, in the very next breath, in portraying to you this cunning, deceitful, ingenious, bad man, this Mr. Eaton, he tells you that Dakin floored that man Eaton to beat him up at Saginaw, and hence Eaton has a grudge against him. Oh, what a fool Dakin must be. Consistency is a jewel, they tell me. I like to see a man consistent in his remarks. He very ingeniously undertook to tell these fifteen men who have been brought into disrepute that they better not vote upon this occasion. They have been catching at straws all the way through the trial of this case, and this is one of their nice little points.

I admire the gentleman for straining at every point possible in this case. I do not see that he has got many. This is one point in the case though. He thinks if he can save Mr. Dakin by the failure to secure 67 votes in this House he has accomplished his work and you cannot expel him, and he appeals to the judgment of these fifteen men, he intimates strongly, by telling them they had better not vote—he does not tell them right out they better not vote, but he tells poor Dakin he hadn't better vote at all upon such an occasion because he is implicated, and he intimates just as strongly to these fifteen men as he does to Mr. Dakin that they hadn't better vote. Why? Because they are implicated too. If anybody has implicated these fifteen men and brought disgrace upon these fifteen men I say that that man is this man Dakin, and if it was the last vote that I ever cast if I was one of the fifteen men I would cast that vote against Mr. Dakin under such circumstances. I want the gentlemen of this House to understand it emphatically. While I think I have got just as much sympathy as any man connected with this Legislature, yet, if any man of this Legislature had brought me into disrepute, and if I had the right to vote against him, if I believed that he had done so,

I don't care whether he was a fool or knave, if he was insane I would not care, I would vote against him, and why?

I would vote because article 4, section 9 of the constitution gives me the privilege to expel a member if he is insane, and because I would not want him here. If the people of Saginaw have sent an insane man here, I would say, "We will send him back there to you; we have no use for him here." If they have sent a fool here, I would say by my vote, "We will send him back again, because there is danger of fools falling down stairs here and breaking their own necks." I would send that man back if he was a fool or an insane man. If he was a knave and brought me and this Legislature into disrepute, I would cast my vote against him and send him back to the place where he belongs. That is what I would do. So I hope that the intimation thrown out here by the gentleman so cunningly to the fifteen men will not be received by them, but that every one of them will vote, and that they will not be excused from voting upon this occasion. They are not criminals. If they were arraigned here as criminals there would be a reason for their not voting, but they have a right to vote, and I hope these men will exercise that privilege and that right.

Now as to the first gentleman upon the floor I want to say a little in relation to what he said in relation to this man Eaton. It seems that all their spite is against this man Eaton. My brother Dodge here very eloquently intimated to you and spoke in this way that he hated this man Eaton who gave evidence from that stand. He disliked him, and the language of my brother Dodge was this, I think: "I have enmity in my heart against that man Eaton," and why? Brother Dodge has good reason for hatred in his heart against this man Eaton. Eaton was too much for Brother Dodge. Lawyers feel that way sometimes when a witness gets the start of them. I have had those feelings myself before now. That is just the way Brother Dodge felt. He hates that man Eaton; but he has no other reason to hate him. I want to say right here, by the way, that before the commencement of the trial of this case I had some prejudice formed from what I had heard against this man Eaton, but to-day I have no prejudice against him at all. I believe, Mr. Speaker and gentlemen of this House, that if there is an honest man in Saginaw or the State of Michigan that Fred L. Eaton is that man.

Mr. Dodge—Will the gentleman state why he had a prejudice against him.

Mr. Goodrich—I will before I get through. I will say that I think Fred L. Eaton is an exception to the general run of men, in that he dares to do right. Talk to me of that man pursuing this man Dakin? For what? What earthly object had he in view to pursue this man Dakin? Can you tell? I ask you gentlemen of this House, in all candor, can you tell from the evidence that has been adduced here to-day and yesterday what object Eaton had or any other of the witnesses here had in pursuing this man Dakin? I cannot see for the life of me what object they could have had in view. They had no earthly object to pursue this man. It is not true. On the other hand, the testimony given upon the part of the committee appointed by this House to try this case corroborated the evidence given by Mr. Eaton. The gentlemen upon the other side say that Mr. Eaton was continually pursuing Mr. Dakin. Take Mr. Smith's statement. He says when they came up here to the capitol and met below in the lower hall that about the first thing that was said was that Dakin began to talk about the mayor going up to Saginaw, for what? To see something about the charter and "to bring some money down or send it down."

He had gone up there for that purpose, and nothing would be done until the mayor got back, with what? With the money. They were anxiously waiting for the money.

Did Mr. Eaton say one word in the presence of Mr. Smith about this money, about paying him a single cent? No. But Mr. Dakin approaches him and says that the mayor has gone up there and there will be nothing done about the charter—no, not a thing done about it—until the mayor gets back with the money, and then the thing will move forward, and everything will work right. He has gone up for that purpose, to regulate things a little up there and bring back some money. Does that show that Mr. Eaton was pursuing this man and trying to get him to fix amounts against men's names, and trying to make him a briber, or anything of that kind?

Now, after Mr. Dakin leaves the capitol in company with this other fellow—Fellows—this man above all others I have utter contempt for, and I am not going to say much about that gentleman. From what I have seen of that man, Mr. Speaker, and gentlemen of this House, the very worst wish that I have against that man who has become so low (perhaps it is not bad enough), is that I would just ask him that he pass through the same sentence that was passed upon the serpent in the garden of Eden. That is all I would care to say about this man. A man that will get so low as to become a perfect dead beat, and then try to act in harmony with others who are in power and in authority, I have utter contempt for him. That is all I care to say about this man Fellows. He is a good deal like the mayor up at Saginaw, only he knows more than the mayor, and that is the only difference between them.

Pursuing this man Dakin? We find him going from the capitol down town, and on the corner near Washington St. and Michigan Ave. we find them meeting another gentleman from Saginaw, Mr. Crowley, a respectable citizen. Let me say right here, by the way, if these gentlemen think these men are not credible men, think that Mr. Eaton is not to be credited, and Mr. Crowley and Mr. Smith, and Mr. Tillotson, why in the name of common sense didn't they bring men down from the city of Saginaw and impeach these men, at least Mr. Eaton? They could not do it, they do not dare to make the attempt. Yes, they did try it, they made the attempt, and I am going to tell you pretty quick how they made the attempt. But they met Mr. Crowley down on the corner of the two main streets here in the city and the first thing that Dakin does, in company with this man Fellows, is to talk with this honored and respected citizen, Mr. Crowley, against whom there is not the least suspicion, and they did not dare to raise a suspicion against that man.

They talked with him about what? Why, about money. They are pursuing this man Eaton and this man Crowley all the while, hounding them to death, about what? About money. They have got to have money. The very first thing was, "We want some money. We can't do anything without the money." And when the question was asked by this respected citizen, as it had been previously asked by Mr. Eaton, "What in the world do you want to do with money? Is it possible for you to use money in the Legislature of the State of Michigan? Is it possible for you to use money among the members of that Legislature?" Mr. Dakin says, "Why, of course it is." They agree upon this matter. Why didn't they attempt to dispute Mr. Crowley when he made this statement. They didn't even ask him if he was not mistaken; they didn't dare to do it, because they knew that he was telling the truth. "Why," this Mr. Dakin says, "of course we can use money among the members of the Legislature." He did not pretend that he could use it in the committee at all, but he could use it among the members, and to excuse himself says that he meant in a social way. Perhaps he used that term then and there; I care not how he used it, if he used it at all, which we believe, and are bound to believe that he did, he did a wrong, and he should be held re-

sponsible for that wrong, because by doing so he disgraced the members of this House and the members of the Legislature of the State of Michigan.

To pursue this a little further, they say these fellows are all the while and continually pursuing Dakin. Mr. Smith says that Dakin and Fellows were the first ones that mentioned this money business. The next man that we find that says anything about it is Mr. Tillotson, an honest, honorable, pure man, and he says the same thing too, and tells what Mr. Dakin confesses that he did do. Now, I say that there are four men who stand against this man and say that he did try to solicit money. The gentleman says Mr. Eaton did not claim that he tried to solicit any from him, but when the question was asked Mr. Eaton upon the stand here "Did he try to solicit any money from you," my friend Dodge got the question so mixed up and fixed up in such a shape and changed it and altered it over and over again to suit himself that then Mr. Eaton said no. But it is all straight and in harmony.

Mr. Dodge—The question was "directly or indirectly," and he said no.

Mr. Goodrich—I say after you got it all fixed up to suit yourself he answered the question. They continued to say that this man Dakin was being pursued all the time, yet he and Fellows had made an arrangement to get up a big dance. Now I ask you in all candor, do you believe that? Do you believe one single word in relation to his getting up a big dance at the Eichele House? I don't believe it at all, because Fellows and Dakin contradict each other. Look at the journal and see how they contradict each other. Mr. Dakin said this afternoon that Mr. Fellows said to him, wouldn't it be a good idea for us to get up a dance when the money comes, and he acquiesced and said he thought it would, for the members of the House. Mr. Fellows said yesterday afternoon upon the witness stand that Mr. Dakin said to him wouldn't it be a good idea for us to get up a dance, clear out the dining room at the Eichele House and get up a dance for the members. So you will see they contradict each other. I don't believe they intended to get up a dance at all, but this was made up out of whole cloth after they were caught.

Now in relation to impeachment. I said a little while ago they attempted to impeach Mr. Eaton, and in what way? I have attended a great many courts in my life and I never saw the attempt made before in the way they did it. They put one of our most respected members of this House upon the stand yesterday to impeach Mr. Eaton, and how did they do it and what did it amount to? You heard the statement of Mr. Green upon the witness stand. The intent was to impeach the statements of Mr. Eaton. They proved that Mr. Green was once introduced or introduced himself to Mr. Eaton, and there was the end of the impeachment in that direction.

Mr. Dodge—There is no evidence of that. He said there was no introduction, that they met and each one recognized the other.

Mr. Goodrich—Wasn't he asked the question afterwards if he was sure he had not introduced himself?

Mr. Dodge—I don't know as to that.

Mr. Goodrich—You better look and see. Now I say gentlemen of the House, that that is all that attempt amounted to to impeach Mr. Eaton. To-day they made a more bold attempt. They say, "We have got him now." They didn't dare to bring from Saginaw, his native home as it were, respectable men who are acquainted with his conduct and reputation for truth and veracity in that locality, they did not dare to bring that kind of men here, but they say, "Now we have got him. We have got a Lansing man here that can impeach him sure."

They bring up here a blind man, who swears that he believes he saw Mr. Eaton a week ago last Monday, or two weeks ago last Monday. But Mr. Eaton proved to this Legislature that he was not here in Lansing at all upon that occasion, upon any of those days. And yet they bring this old blind man upon the stand and ask him to impeach this witness. He says three of them came into his office, why he did not know, they walked right into his office in broad daylight and sat down there, they had no earthly errand, they had nothing to do with him at all, they came right in there and occupied his chair and began talking about this man Dakin, and this blind man, who could not see only just one of them and that was that man Eaton, gives evidence as to what was said. Do you believe this bosh? I say it is one of the weakest attempts to impeach a witness that I ever heard of, and this House ought to sit down on such actions, and I believe they will.

The first gentleman on the floor said that the press had passed their verdict and judgment upon Milo H. Dakin, and that many of the members of this House and many others had passed their judgment upon Milo H. Dakin, and he thought it was all wrong. They had the right, I say, to pass that sentence after viewing, as they did, his open confession. They did pass it and I believe they will retain it.

Mr. Dodge—What is the object of this trial?

Mr. Goodrich—They do try people sometimes whom they know are guilty. Sometimes they cannot get jurors to try a case because everybody in the community knows that the respondent brought before the court is guilty and they have to remove the case away off to some other place, simply because everybody knows it. But in such a case as this we claim the right to try him. We say that if he has brought disgrace and disrepute upon the members of this Legislature we have a right to try him.

And now, as my time is limited, I want to say to you, gentlemen of this House, that I have not dilated upon the evidence half as much as I would like to do. I have not presented this case with as much vigor and force as I would like to have done. It is because the time is so limited. But there is one duty for me to perform, and I shall perform that duty faithfully and honestly. It is this, that I am going to stand by these 15 men who have been more particularly disgraced than any others in this House of Representatives, and I am going to stand by that man who is my colleague, who is from my own county who has been brought into disrepute. Sooner let my tongue cleave to the roof of my mouth, sooner let me become palsied than I should say that I will not stand up for that man whom we know to be pure and honest. We know him in Ottawa county, and I say that by the grace of God and by the stamina and force that is within me I will stand by that man and see that his fair name and his reputation shall not be defamed by letting this man Dakin go scot free.

And what I would do for him I would do for the rest of these fifteen men. I will stand by them. This man Dakin has brought a stain upon the names of these fifteen men that will follow them. There is not a member in this House but that feels for them. There is not a member in this House that would have the stain that has been placed upon these men placed upon himself. It is not a stain to those who know them, they do not believe any such thing, but I say there is no man in this House to-night who would have the imputation resting upon him that these men have upon them for one thousand or two thousand dollar, unless it is Fellows or the mayor from the city of Saginaw, or some such man. They might have it for one or two thousand dollars, but reputable men would not. There is not money enough in Michigan to hire me to say "Goodrich take that stain upon yourself." And when I think of this I say it is my

duty, as a member of this House, to stand in defense of my worthy colleagues and of the fourteen others who are among the very best members of this House. This will be the last time that I shall talk upon this subject.

If this case is held over until to-morrow I shall not say a single word upon the subject further. But I say to you, gentlemen, that I know how I shall vote. I have made up my mind candidly and honestly and squarely, and it is your duty to make up your mind. You have no right to so let feeling carry you away as to say that Mr. Dakin is more sinned against than sinning, you have no right to say this. If he has brought disrepute upon this House, if he has brought disgrace upon this House, that is being published all over the State of Michigan against the members of this House and published all over the United States, expel him.

Mr. Dodge—With the Speaker's permission I will read the testimony referred to by the gentleman.

Q. Did Mr. Dakin ever ask you for any money?

A. When?

Q. Did he ever ask you for any money?

A. Except as I have testified to-day he never did.

Q. You know that that is not a proper answer. I cannot remember what you testified to as you can, but will you please answer me, yes or no, whether or not Mr. Dakin ever asked you for any money on earth?

A. No, sir, he never did.

Q. Directly or indirectly?

A. Directly or indirectly.

SPEECH OF JUDGE VAN ZILE.

Mr. Speaker and Gentlemen of the House of Representatives:

I come to the argument of this case with one fact I think established beyond any question, that my brother who has just preceded me has succeeded, beyond any doubt, in convincing one of the jurors that my client is guilty, and that the honorable gentleman himself. In the time allotted me it will be impossible for me to argue this case that has taken two or three days to produce the evidence, and I shall not attempt to take it up and argue it step by step and charge by charge, or even answer all of the arguments of my friends upon the other side.

There is one thing, however, that my attention is called to at every step, at every sentence, at the close of every proposition that these gentlemen have made upon the other side of this case, and that is rule No. 6 that this House adopted, and I come back to that rule at this time in the argument, for it is still binding upon counsel. It is binding upon the members of this House. It is the law by which this case is to be tried. That rule is that all the rules legal and usual governing cases of law in courts of record of this State not inconsistent herewith, shall be observed in the conduct of this examination. And now I propose, without telling you anything about any contempt that I have in my heart, for I have none for any of the witnesses nor any of the counsellors, I propose if I can, in the short time that is allotted to me, to stay by the law and the evidence in this case and argue it as well as I can, in my weak way like a lawyer.

What is the law that confronts us? By what authority are we trying this man? We are trying him under one of the articles of the constitution of the great State of Michigan, and in that constitution I read that "Each House shall choose its own officers, determine the rules of its procedure and judge of the qualifications, election, and

return of its member, and may with the concurrence of two-thirds of all the members elect expel a member." With the concurrence of two-thirds of all the members elect you may expel a member. The judiciary of this State, or of any other State, so far as I have been able to discover, has never given us any adjudicated cases upon this subject. Probably they never will, because there is no appeal to its higher courts : but here is a case where you have preferred articles against this man, where you have solemnly written in your journal the indictment upon which he is to be tried. It is somewhat in the nature of an impeachment trial, and therefore I had only to go back and hunt out rules that govern the trial of impeachment for a definition of those propositions and those facts that we have to present in this case. It is something in the nature of an impeachment. You are sitting here as a court. The honorable gentleman who has just preceded me told you that you sat as a jury. Yea, as a jury, you do sit, and you sit as a court. It is something then in the nature of a court of impeachment. I shall turn now with your permission to some of the language that is used by one of the greatest jurists that has ever lived in this country and read what he said with reference to the court of impeachment.

I read to you from Story on the Constitution, page 527:

"Section 743. Upon the subject of impeachments something has already been said, in treating of that branch of the Constitution which delegates to the House of Representatives the sole power of impeachment. Upon the propriety of delegating the power it is unnecessary to enlarge. But the next inquiry naturally presented is, by what tribunal shall an impeachment be tried? It is obviously incorrect in theory, and against the general principles of justice, that the same tribunal should at once be the accusers and the judges; that they should first decide upon the verity of the accusation and then try the offenders. The first object in the administration of justice is, or ought to be, to secure an impartial trial. This is so fundamental a rule in all republican governments that it can require little reason to support it; and the only surprise is that it could ever have been overlooked."

I read further:

"Section 745. The great objects to be attained in this election of a tribunal for the trial of impeachments are impartiality, integrity, intelligence and independence. If either of these is wanting the trial must be radically imperfect. To insure impartiality the body must be in some degree removed from the popular power and passions, from the influence of sectional prejudice, and from the more dangerous influence of near party spirit. To secure integrity there must be a lofty sense of duty and a deep responsibility to future times as well as to God. To secure intelligence there must be age, experience, and high intellectual powers as well as attainments. To secure independence there must be numbers as well as talents and a confidence resulting at once from permanency of place and dignity of station and enlightened patriotism."

Now gentlemen, with these ideas of this great jurist in your minds, I come to this case asking you to lay aside all prejudice, asking you to lay aside all your feelings of malice, if you have any, and I hope there is not a member here that has any, I ask you to approach this impartially. I invoke the great rule that was laid down by the meek and lowly One, do unto this man as you would that he should do unto you. Give to his case that impartiality, that integrity, that intelligence, and all that goes to make up that patriotic citizen who should sit and try a man who is charged with an offense. I have no doubt that you will undertake to do that.

I have not found one single scintilla of evidence that proves one single charge that these gentlemen have made against this man Mr. Dakin. You may talk about your glittering generalities. You may talk about his venal corruption, as my friend says, you may talk about this and that and the other in your general way, but you have made a charge here, and by those charges as legislators you should try this man according to the law and according to the evidence, and if you will do that and strip it of everything else, I shall leave this case content to know that it must result, even though my friend has convinced himself, it must result in favor of my client.

First, it is not the recitals nor the preamble that precedes these charges upon which this man is to be tried. The entire opening of the gentleman (Mr. Goodrich) was upon that preamble. I call the attention of the gentleman who shall follow me, and I know not which one it will be, to the charges one by one, and I now challenge him or any other gentleman upon the opposite side of this case to show me the proof where one single one of these charges is proven. We are only here to answer the charges. We are not here to say that this man's feelings have been wrought upon, that this man may possibly have been slandered or that a libel has been written. You have not yet the jurisdiction to try slanders and libels. You come here with charges specific. Why, it has been rung in our ears from the commencement of this trial to the present hour. "The specific charge No. 1. Article No. 1 of the specific charges," and by the specific charges I ask you to try this man. It is article 1, 2, 3 and 4 in which you have laid this case. There is no violation of the constitution. You have omitted it. You struck it out of your charges. We came up here to defend against that, but on the eve of the commencement of this trial you struck it out. There is no unlawful act. You say there is none by the charges. What else is there? It is that he corruptly solicited money, that he corruptly received money, that he corruptly made a list, and that word corruptly is the key note, it is the key stone that upholds these charges, and I say to you that it is as necessary to prove that he corruptly did this as it is to prove that he did it at all.

What is the corruption? Let us turn to the law writers and read the definition. "Corruption, an act done with an intent." That is what corruption is. An act done with an intent to gain some advantage inconsistent with an official duty and the rights of others. Then I go back to this rule, that these gentlemen must prove before you, gentlemen of the jury, they must prove it before you, that this man intentionally did these things as they have charged; and had they left out the word corruption and put in the word intention it would have been charged exactly the same.

What are the charges? That he corruptly received money of Mayor Shackleton. My brother who preceded me and opened this case seems to have abandoned that. There certainly is no proof of it. That he corruptly received money from Mayor Shackleton to corruptly use with the members.

The second charge they say is proven beyond any question, that he corruptly solicited money of Shackleton and Eaton, ostensibly for corrupt uses. That he made a list of names, that he corruptly represented to Eaton that to secure the vote and influence of members it would be necessary to use with each member certain amounts of money. Now, gentlemen, where is the proof in this case, and in the name of justice, and in the name of the common law, in the name of the great and prosperous State about which we have heard so much, in the name of the grandeur of the Saginaw Valley, are we to condemn this man unless we can point out the truth. I have not read to you all of that article of the constitution. That article of the constitution not only requires that you

should vote upon this, but it requires that if you should put your seal upon this man's destiny for the future by expelling him from this House of Representatives, that you shall write the reasons upon your journal and sign your names. And when you write upon your journal that you have expelled this man Milo H. Dakin from this House, if you should write it, you will write down the reasons, and when you take the pen to write the reasons or sign the reasons that are written, ask your consciences in the name of God and in the name of justice, where is the truth that this man intentionally did one single thing that is charged here against him.

Where did he intend to spend money with the members of the Legislature? Where is it that he wrote a list, that he has said or intended to say he could corruptly use money, as the articles read, with each one of those members? If you cannot find it you should never write in the journals of the Legislature of the great State of Michigan those reasons. Write them plainly, write them that they may be read in the light of God's justice, write them that they may be read in the light of your own consciences, write them that they may be read and go down in the history of this grand State of ours that those were reasons coming from the conscience, convinced by the proof and by the law, and not, gentlemen of the jury, that you were convinced or moved because of harangue or that you were moved because of great glittering generalities.

The third charge is that Milo H. Dakin, a member of the House of Representatives from said First District of Saginaw, did corruptly on the 19th day of April, 1887, make a list of names of certain members of the House of Representatives of the State of Michigan, together with the amounts of money necessary to procure the votes and influence of said members—not that he made a list of any other thing, but that he made a list with the amounts of money necessary to procure the votes and influence, not of those men generally, but of each individual man that is in that list. Now where is the proof of that? I say to you without fear of contradiction that there is not a single witness who has taken the stand in this case from the commencement to the end of it that has pretended that Milo H. Dakin said that he could procure the influence of each one of those members by giving to him that amount of money. And this is further a part of the same charge: “That the said Milo H. Dakin did represent to the said Frederic L. Eaton of Saginaw, that to secure the votes and influence of said members it would be necessary to use with each of them the amount of money set opposite their names.”

My friends say that this charge is made out. Why, gentlemen of the jury, I appeal to the lawyers of this House, I lay it before the lawyers of this House—and there are some good ones in it too, thank God!—I lay this proposition before the lawyers of this House, that if this case had closed in a court of justice I could go to the judge of the court and move that the defendant be discharged because there was no evidence against him, under the charges that you have made, and will you try him upon any other charges than those you have made? Are we here to answer anything else than that? If we are, please tell us what the charges are and give us a half chance at least to put in some more proof. With your charges upon the Journal, because following these charges you must write what your findings are and the reasons for them.

I find that I must hurry on. Look at the silly nonsense of the proposition. Milo H. Dakin swears that he has the utmost respect for these gentlemen that he made a list of. The men upon the list are men he respects above all others, and I know from the gentlemen's names that are written here something about that. It is only necessary to repeat the proposition to show that it is the purest piece of nonsense that ever graced a record to say that Milo H. Dakin ever thought that he could take this amount of money

that he wrote opposite the names of each of these individuals and influence the vote of that man with it. The idea that he could approach such men as my worthy friend who sits before me, the Honorable T. H. Williams, that he could buy his vote or influence in this House for the paltry sum of \$10, or any other sum of money, or that he could take my honored friend Mr. Rumsey and buy his vote with the amount he has placed opposite his name. Do you think that Milo H. Dakin intended, or that he ever conceived that idea or entertained any such idea, or is it necessary for me to criticize the truth, yes the truth we will call it, that has been criticized by gentlemen, that Mr. Eaton or any other witness in this case has convinced you that that was his intention or idea. But that is the charge upon which he is to be tried.

There is one other thing in this case that is peculiar, and I speak of it not for the sake of casting any stigma or saying any hard thing about any witness in this case. I do not desire to do that. I have practiced law a few years and I have never found it necessary to stigmatize a single witness; but I want to argue this case; I want to draw the picture of this case as it actually is. Will you go with me to the place where this terrible occurrence was, terrible in the mind of my friend, and really it is terrible. Let follow these men and see who they were. Here is Milo H. Dakin, one of them, the principal man in the case. I read in the little red book sent me by the Secretary of State the history of that man. The manual of the State of Michigan contains it, and I hear from the lips of the other actor in that scene at that saloon the history of that man who sat by the side of him. I draw for you the picture. I ask you to look upon it. It has been drawn before you in the proof and now I would hold it up to you and I would stamp it upon your minds so that it will not be effaced when you vote upon this subject.

There sits the graduate, there sits the astute lawyer, there sits the man who is so startled that he is urging this man Dakin to do what would startle him worse than anything that had occurred to startle him, and there on the other side sits Milo H. Dakin, a hard working laboring man, without education, without pretense of education, and possibly not the greatest statesman either that ever graced the hall of the House of Representatives—there he sits, and this wily man asks him those questions, to name these members. name them, Mr. Dakin, name them. Mr. Dakin stops and hesitates. O, there is Mr. A., there is Mr. B. “Go on, Mr. Dakin, go on, you have startled me upon the street, startle me some more. Go on, I urge you to name the names; go on.” He does not go on; and in a great flurry he goes down in his pocket or his diary and he takes out a roll of the members of this House. “Now, Mr. Dakin, if you cannot think of the names, take this pencil and mark opposite each name a check.” For what? Not to check off the names of the members that you think you can buy for dollars and cents, not that; but, Mr. Dakin, mark off by a check mark opposite each one of those names the names of the members that you would desire the most of all to associate with in a social way. That is it. Mark off on that list, Mr. Dakin, the dearest and best friends you have got or would be glad to have, in this Legislature. Mark off those names that you would consider it an honor to sit by their side or be in their society, Mr. Dakin. And he marks them off. And what for? That he might entertain them socially. And that is all the proof there is.

Hold that up, gentlemen of the jury, I ask you by the side of that which is recorded in this case, that Dakin with a wicked, perverse mind intended to corrupt this Legislature and to receive money for corrupt purposes. Mark them off, Mr. Dakin, says this gentleman, this lawyer, this college-bred man. mark them off. And he did mark

them off. Not that he could bribe them, not that he could influence them. That was not the proposition yet made. Now, Mr. Dakin, place upon this roll call opposite those names the amounts that you think you ought to have to give these gentlemen this social entertainment, or to use among them in a social way. There was not a single word that escaped the lips of Mr. Dakin. There was not a single intimation that came into his mind thus far nor even after that slip had unfortunately gone into the hands of a man who would betray him as Judas betrayed his master. Up to that time not a single word or sentiment of that kind had escaped him. But he did mark down the amounts, and in the way that I have pictured it, not with the intention of corrupting any single member of this Legislature. And then he took that list and put it in his pocket and before they got up to go it was that this man, not willing to leave the list with him, said "Give me the list."

And Dakin gave it to him, not knowing, as he swore upon the stand, and I believe every word he said, that there was anything wrong done. He is an honest man, sworn to be so by everybody. Not a man has said anything to the contrary. And then that man Eaton took that list and went out, and he brooded over it, aye, he laughed over it, and in his pocket he knew that he had that that might be used, and until Dakin had met a friend indeed he never dreamed that it was wrong, and when he undertook to get it back he could not. This man who had been so startled was afraid to give it up. Suppose I should draw the picture of one of my friends in this House, if it is possible that such a thing can occur between us, and he should undertake to mark off such a list in my presence, what would you expect of me? I would put my hand upon his shoulder and say, "Do not do that any more; tear it up." Gentlemen, did this learned graduate from the college, this astute lawyer do that? No, he never, from the beginning to the end thought he should do such a thing as that. He never called a halt, although he said that he gave it to the Speaker of the House of Representatives because he thought a halt ought to be called in this kind of a thing. Why did he not call the halt before it went into the public press, and before we had this trial in this House.

But my time is nearly up. As I said you have to write in this journal of yours the reasons why if you say that this man must be found guilty and punished. Write it with a second sober thought if you write it at all. If you say by your verdict in this House that my friends and my opponents here in the trial of this case, who have prosecuted this man so zealously are right, write it that it may be read by the generations that are to come, not in hot blood, not in excitement, not by being prodded on by harangues and glittering generalities, but write it with a second sober thought, with a reason that comports every word, every sentence, every sentiment with the law and the evidence that was given. Write it gentlemen of the jury, if you should write it all, write it with the beneficent mercies of God Almighty shining down into your hearts; write it from your consciences; write it in the name of justice; write it in the name of the great and beneficent laws of this land; write it because you can defend every single word of it and be sure that there is not a sentiment welling up in the hearts of a single individual of you that is prompted by anything like malice or ill-feeling or by anything different from what I have undertaken in this my weak way to picture to you, in the name of justice tempered by the mercies of God.

SPEECH OF MR. DIEKEMA.

Mr. Speaker and Members of the House of Representatives :

This is indeed a very trying position that I am now about to occupy in closing the

discussion upon this case. Michigan has always pointed with pride to the incorruptibility of her legislators. Rumor has it that other Legislatures have been bought for money, but the confidence of the people of the State of Michigan has never yet been shaken in the integrity of her law-makers. During the past week, however, the leading newspapers of the land have pointed with significant pride to the fact that while great sums have bribed their Legislatures, Michigan this year had a very cheap House of Representatives. This cloud is hanging over us, and we have taken three whole days to let the sunlight of truth shine in upon the matter in the most public way. I feel that it is a trying position for the members of this House to sit in judgment over a fellow member ; but I congratulate Mr. Dakin that he is in the hands of his friends. For through our intercourse here this winter ties of friendship have been formed that unite us all together ; but friends they are whose sense of justice and responsibility to God and State and home, rises high above all prejudice and above all feeling. This House, if it had not desired to treat this matter considerately, coolly and deliberately, as has been suggested, might have rushed through a resolution expelling this member the first evening when this matter was exploded ; but in our sense of justice we have given him a public trial, we have allowed every one of those who must finally sit in judgment upon him to listen to the evidence, to see every witness. We have allowed the ablest attorneys in the State to stand before us in defense of this man for three long days, and we have this evening listened to their eloquent arguments.

It seems to me that no one could now say to this Legislature that we have been hasty in the matter. I for one could not see how we could have been more calm and deliberate, and I enter into the discussion of this subject this evening with no feeling of hatred toward Mr. Dakin, rather with feelings of sympathy ; but I feel that the dignity and honor of the House of Representatives of the State of Michigan is at stake, and no one man, however sorry I may be for him, can or may cast a blot upon its fair fame.

I desire as my brother who has gone before me said he would do, to discuss this matter as a lawyer and upon the evidence. And I desire to show you that Mr. Dakin is guilty under the second and third articles of these charges that we have preferred against him.

Article 2 reads as follows:

ARTICLE II.

“That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times, between the day of taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from said John H. Shakelton, mayor of Saginaw City, from Frederic L. Eaton of Saginaw, and from various other persons for the purpose ostensibly of corruptly using such money among the members of the House of Representatives of the Michigan State Legislature, to influence their votes in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees on labor interests and municipal corporations of said House of Representatives, but in fact for the purpose of corruptly and unlawfully appropriating all or a part of such money for his own personal use and benefit.”

Allow me to say that I find him guilty under this article, in the light of the evidence that is before us. I shall not discuss the evidence of Mr. Eaton. It stands plain and clear before the minds of all of you. He says that when he first came here Mr. Dakin was the first man who suggested money to him, and said it was necessary to receive money to get the bill through. He said that in the second place, upon the street corner Mr. Dakin again broached the matter of money first, and the same thing took place in the stall at the Windsor.

But, gentlemen, allow me now to discuss the testimony of other witnesses. The second witness who was introduced here on the part of the committee prosecuting Mr. Dakin was Mr. Jay Smith. I have his testimony here, in very short language. Let me read it to you. He says that he stood with Mr. Eaton, Mr. Fellows and Mr. Dakin here in the capitol, and this is what he testified to :

“ A. I will come to it in a moment. Dakin stated that he expected Mr. Shackleton would fetch some money with him, but he only brought a little. He had given him some but it did not amount to anything, it was all gone. Mr. Eaton then asked him what he wanted to do with the money and he said he wanted to use it in getting the charter bill passed the House. Mr. Eaton asked him what the trouble was, whether there was any difficulty with the committee or whether he wanted to use the money with the members of the House. His answer was that he wanted to use it with the members of the House.

“ Q. Did he say that he wanted to use it with the members of the House for the purpose of getting the charter bill through the House? Was that the language that he used?

“ A. Mr. Eaton asked him if he meant to be understood that there were legislators whose votes could be obtained by the use of money. His answer was, ‘ Of course.’ ”

This is the testimony of Mr. Smith. Have you heard one of the attorneys say a single word against this witness? Has the Hon. Judge Holden in any way suggested that Mr. Smith was not an honest, upright man? Smith, who has lived in the city of Saginaw for thirty-five years, and with whom Judge Holden is certainly intimately acquainted. He has not mentioned even his name. Now, here is a man who has no prejudice against Mr. Dakin whatever, a man pure and upright and honest. This is his testimony, and the lawyers of Mr. Dakin do not even make a single remark about it. I ask you then, if Mr. Eaton had said nothing and if we had simply the testimony of Mr. Smith, whether there is not sufficient proof of guilt?

Here is the testimony of Mr. Crowley. Remember Mr. Eaton had not seen Crowley at all that morning; and in Mr. Dakin's confession before the committee he states that Mr. Crowley is an honest man and will make a fair statement. Let us see what fair and honest statement Mr. Crowley makes :

“ Q. Did either of them say what they had gone to Saginaw for? ”

This was on the street corner before Eaton had seen Crowley.

“ A. Yes, I think Mr. Fellows took a document out of his pocket with some writing on it and said that Linton and Shackleton had gone to Saginaw to make some arrangements in regard to Florence, that Linton had promised Shackleton that if he would agree to some matters in the interest of Florence in regard to some improvements that ought to be made upon it provided it came into the City of Saginaw, and pay for some improvements already made for Carleton, that he would not interfere with our charter, providing Mr. Dakin would assist him in this charter.”

“ Q. What was said in relation to the mayor's going there? ”

“ A. Then I think Mr. Dakin said ‘ We ought to have some money to-day.’ I says ‘ What to do?’ He says, ‘ Well, to work while Linton is away.’ ”

“ Q. To work at what? ”

“ A. I don't know as it was said any more than the supposition was in the interest of the charter.”

Here is the testimony of Mr. Crowley. The first man that mentioned money on the street corner was Mr. Dakin, and he said, “ We ought to have that money to-day to work on the charter while Mr. Linton is away.” And when on cross-examination I asked Mr. Fellows, “ Were you present when this conversation took place, and did Mr. Crowley tell the truth when he said Dakin said ‘ We ought to have the money to-day, while Linton is away,’ ” he replied, “ I remember some conversation of that kind.” What were Dakin and Fellows doing that day? The Legislature was in session, but they were walking up to North Lansing. They were walking about the streets of Lansing. They were going to the telegraph office to see whether some money had been tele-

graphed to them. On this very day, when it was necessary to use money to get the charter through, they did not even make their appearance in the House of Representatives. When there was a chance to work honestly with the members, they never once appeared. If they put the interpretation upon it that the money was to be used in a social manner, that was the day for Mr. Fellows to use the five dollars given to him in the morning by the mayor. Dakin had two dollars given to him in the morning, and they had seven dollars between them to use on that day for social purposes, if they had intended it for any such purpose. But instead of that Mr. Dakin takes out his two dollar bill to-day, and says he has that money yet in his possession. If it was intended for cigars or liquor, it certainly would have been used during the day. But instead of that not a single word was said to any member of the House in relation to this charter. So much for the testimony of Mr. Crowley upon this subject.

But I go on still further. Mr. Crowley says towards the close of his examination

“A. I thought like this. The amount set down oposite those men’s names, footing it all together, if that money was raised it would be for the benefit of Mr. Dakin and Mr. Fellows and these members would never hear of it. That was my opinion.”

Mr. Dakin has said that Mr. Crowley is an honest man and will make a fair statement. Here is his statement:

Mr. Levi Tillotson happened to come into Lansing that day and you will see that Tillotson had no conversation with Eaton at the time, had not seen him. Let us see what conversation took place with Tillotson. Here it is:

“Q. Do you remember of having a conversation with Mr. Dakin and Mr. Fellows upon that occasion?”

“A. Yes, sir.”

“Q. State what the conversation was.”

“A. I met Mr. Fellows and Mr. Dakin, and after the usual greeting I asked them how matters stood in regard to our charter. They said they thought things looked very favorable, *and that they needed some money to carry it through.*”

Mr. Tillotson had never breathed the subject of money. Tillotson had not seen Eaton. The able attorneys would make you believe that Eaton was leading this man on when he himself is suggesting money to every Saginaw man he meets upon the street. I will read further :

“ Mr. Holden—I want to know which one said that.”

“ A. Mr. Fellows.”

“ Mr. Holden—I object.”

“ Q. Was Mr. Dakin present ?”

“ A. Yes, sir.”

“ Q. Proceed.”

“ A. Mr. Fellows spoke and said that they would have to have some money in order to get the matter through, and that Mr. Shackleton had not brought any money down to amount to anything. I think he spoke and said about ten dollars, and after a while he said that Mr. Shackleton gave him five dollars, and Mr. Dakin two. Then Mr. Dakin told me that he had given Mr. Eaton a certain statement or list of names ; that it would take money to use to get that charter through. I said to him, “ Mr. Dakin, in the name of God, you didn’t do that.” He says, “ I did.” I said, “ you had better go and have it straightened at once, for you will get into trouble.”

Here is the testimony of three witnesses who are entirely unprejudiced, and with whom Mr. Eaton had not had a word of conversation. And I ask you, gentlemen, in all sense of honor, why was Dakin suggesting money at every step? I say that he is guilty under this charge. No one of us believes—and he himself disavows—that he intended to use it among the members in any way except for that feast at the Eichle House, and that matter is so ridiculous that I will not discuss it.

But it has been suggested that we have not proved that he solicited money. Mr.

Dakin was put upon the stand and he used this language: "I expected all of them to furnish it."

"Q. Whom do you mean by them?"

"A. Mr. Eaton and Mayor Shakleton."

And he mentioned the members of the committee from Saginaw that were present. On another occasion he says "I expected the city of Saginaw to furnish it." Again he said that his statement made in the Speaker's room was true except in one particular, and that was the statement that he had not seen Mr. Eaton down below in the capitol. Let me read to you then one of the statements that he says is true :

"I expected the mayor of Saginaw would raise the money. I expected him to hand the money to me. I told Mr. Eaton that he, Eaton, if he had any money could hand it to Fellows and I would get the money of Fellows. I do not think it would be wrong to take this money even though I did not expect to influence votes."

Mr. Dakin admits here that he expected money, that he expected it of the mayor, and that he expected it of Mr. Eaton and others ; and in proof of that we have introduced testimony that they went to the telegraph office to see whether any money had been sent.

But it has been suggested by the learned counsel that under section nine of article four of the constitution we cannot convict until we have proved a crime. He says further that this Legislature cannot try a libel. He is evidently, although a very learned man, very badly mistaken here. If one of the members libeled another member we could at once expel him.

But do not take my statement upon this article of the constitution. During the constitutional convention of 1867 a very full discussion took place upon this section of article four of the constitution. Here is some of the language used by some of the most learned men this State has ever had. In the first place Judge Withey, now dead, says :

"I believe the only safe rule to be that the Legislature should possess at all times, the power to purge itself of improper members."

Mark the words, "improper members ;" of persons who for any cause, may be unfitted to occupy seats in the Legislature. I believe there is no other safe rule than that.

The question here arose upon striking out the last clause that a man could not be expelled again after his constituents had returned him. The reason stated for this was that it is the only protection the people have. They go on to say in the debate that at a certain time in the English parliament a man was expelled simply because he held liberal views. He was expelled three times, and three times returned by his constituents, and for that reason it was put into the constitution that a member could not be expelled again for the same cause. But there is no limit upon the power of the Legislature in the respect claimed by the learned counsel for the respondent. In expelling any member no crime need be shown. Any misconduct upon the floor of the House is sufficient if the members think so.

Let me read to you again another statement made by Mr. Vanvelkenburgh :

"I think every deliberative body should have the power to protect itself against the intrusion of men who are unfit to be admitted into that body."

And Mr. G. V. N. Lothrop makes statements of the same kind.

It is very plain and clear from these discussions that these learned men thought that there was no limit to the power of the Legislature to inflict this punishment, if it saw fit.

It seems to me that I have made it very clear as a lawyer that under the second of these articles we can convict Mr. Dakin.

But here is article three. I shall not read it. It accuses him of corruptly placing opposite the names of certain members certain amounts of money, and in that way bringing their good names into disrepute. Nobody can question the fact that their good names have been brought into disrepute. Nobody can question the fact in the light of the evidence we have that Mr. Dakin did write those figures, and that he had been talking to every one about money. After Mr. Eaton asked him "How much do you want?" he could not answer how much. "With what members do you expect to use the money?" was the only question that could follow, if he would not state how much he wanted. Then he named certain men and stopped again. Then Mr. Eaton took out of his diary—he is very plain upon that—this list of names, and he said "Check them off," and after he had checked seventeen names he asked him again "How much money do these seventeen men need?" Then no answer was made. Eaton then said "Place the amounts opposite each name." And here we have the list. And when this afternoon Mr. Dakin was asked "Why these differences, why five dollar men and ten dollar men and one twenty-five dollar man, if you only intended to have a feast?" he said "I can't explain it."

But here is another fact that we must not forget. Mr. Crowley suggested, "Mr. Rumsey \$25.00?" and Mr. Crowley says that Dakin replied, "Yes, and he will be a cheap man at that."

Can we in any way come to but one conclusion, and that is that he intended to use and appropriate this money? No one will for a moment believe that any one of these men would have received for a social purpose or otherwise one single cent of this money.

But I will not go so far. I desire to state here that I do not believe that Mr. Dakin intended to keep all that money himself, but I believe that this man Fellows who testified that he had spent thirty dollars above all ordinary expenses during his visit, and that he had spent that amount for beer and cigars, was in league with him. And when, instead of remaining in this House, where they might have done something in a legitimate way, they walked to North Lansing, I believe that all that time this man Fellows was suggesting to Dakin and breathing in his ear, "Money, money, money." And listening to those suggestions, there was perhaps but one result, to divide the money between Fellows and Dakin.

I am sorry we cannot punish Fellows. I am also sorry for poor Dakin. God knows I am sorry for him; but the reputation of ninety-nine men sitting here in the legislature of the State of Michigan should rise high above all feelings of mere sorrow for one man. I can do nothing more than to ask every member upon the floor of this House to read and weigh carefully the testimony and then, in the discharge of his duty, under the oath of office that he took at the beginning of this session, decide whether he shall protect the good name of the State of Michigan and of her legislature, or whether his sympathies for one man, who himself confesses that he has done wrong, shall mislead him.

Mr. Herrington moved that the first of the specific charges against Representative Dakin be stricken out,

Which motion prevailed, two-thirds of all the members elect voting therefor.

Mr. Grenell offered the following affidavit and resolution:

STATE OF MICHIGAN, }
COUNTY OF INGHAM, } ss.

In the matter of articles exhibited on behalf of the special committee House of Representatives of the State of Michigan appointed April 20, 1887,

against Milo H. Dakin, member of said House of Representatives, from the First Representative District of Saginaw County, in relation to the charges made against him, for misfeasance, malfeasance, or venal or corrupt conduct in office.

Milo H. Dakin being duly sworn, deposes and says: I am the same person against whom said articles are exhibited and now pending before said House of Representatives. My property consists of a house and lot in the city of Saginaw which I purchased some six or seven years ago for the sum of \$450 and upon which there is a small mortgage unpaid, and the ordinary household goods of a laboring man of the value perhaps of two or three hundred dollars. Said house and lot are occupied by me and my family as a homestead, aside from the property above mentioned. I have no property or means with which to employ or pay counsel to aid me in my defense against said charges.

I deem it necessary that counsel be employed and paid to aid me in making my defense in this matter, and ask that a reasonable appropriation be made for that purpose.

MILO H. DAKIN.

Subscribed and sworn to before me this 26th day of April, 1887.

EDWARD O. KELLEY,

Notary Public, Ingham County.

Resolved, That the sum of two hundred dollars be and is hereby appropriated for the purpose of enabling Representative Milo H. Dakin to pay counsel in defending him from the charges preferred against him for misfeasance, malfeasance, or venal or corrupt conduct in office,

After the reading of which,

On motion of Mr. Hoaglin,

The resolution was laid on the table.

Mr. Herrington moved that there be a call of the House,

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Mr. Hill.

Mr. Herrington moved that the vote on the charges be taken, as under the call, with the bar of the House closed.

Which motion prevailed.

The second of the special charges was then read by the Clerk, and

The Speaker announced the question to be,

Has the charge been proven.

The charge was then declared proven by yeas and nays as follows:

YEAS.

Mr. Abbott,	Mr. Cole,	Mr. Killeen,	Mr. Robinson, R.,
Allen,	Crocker,	Kirby,	Rogers,
Anderson,	Cross,	Lakey,	Rounsville,
Ashton,	Damon,	Lincoln,	Rumsey,
Baker, S.,	Diekema,	Linton,	Simpson,
Baker, W. A.,	Dillon,	Makelim	Spencer,
Baldwin,	Dougherty,	Manly,	Stuart,
Bardwell,	Douglass,	McCormick,	Thompson,

Mr. Bates,	Mr. Dunbar,	Mr. McGregor,	Mr. Tindall,
Baumgardner,	Eldred,	McKie,	VanOrthwick,
Beecher,	Engleman,	McMillan,	Vickary,
Bettinger,	Goodrich,	Mulvey,	Vroman,
Bentley,	Harper,	O'Keefe,	Watson, F. H.
Breen,	Haskin,	Oviatt,	Watson, H.
Burr,	Herrington,	Perkins,	Watts,
Cady,	Hoaglin,	Pettit,	Webber,
Cannon,	Hoobler,	Pierce,	Williams, T.H.
Case,	Houk,	Preston,	Williams, W.W.
Chamberlain,	Hunt,	Reader,	Wood,
Chapell,	Jones,	Rentz,	Speaker,
Chapman,	Kelley,	Robinson, J. W.	83

NAYS.

Mr. Green,	Mr. Hosford,	Mr. Powers,	Mr. Wellman,
Grenell,	Ogg,	Snow,	Wilson,
Holt,	Pardee,	Washburn,	11

Mr. Grenell, when his name was called, said:

I wish to explain my vote. I find in article two that Mr. Dakin is accused of soliciting money from two persons, Mr. Shackleton and Mr. Eaton. I find that in the testimony both Mr. Shackleton and Mr. Eaton swear that Mr. Dakin never asked them for any money. I therefore vote no.

Mr. Hosford, when his name was called, said:

I ask leave to explain my vote. It was stated once by a very prominent man that he would rather be right than president. I never expect to have an opportunity to be president, but I do expect to have opportunities to do right, and I believe I have one of those opportunities this evening. In the vote that I am about to cast I desire at this time to disclaim any kind of reflection upon the fifteen distinguished members of this body who have been unfortunately connected with this matter. I believe that they are men who render high honor to their constituents and high honor to the State, but Mr. Speaker, I do not believe that it writes their names any higher upon the roll of honor to trample this poor worm Dakin in the dust. I cannot see it in that way, and if I am the only member of the House I shall upon this proposition vote no. (Applause.)

Mr. Ogg, when his name was called, said:

Mr. Speaker, I beg leave to explain my vote. I do not wish to go into any details, but for the reasons expressed by my colleagues from Detroit, I vote no.

Mr. Herrington, when his name was called, said:

Mr. Speaker, I desire to explain my vote. Having been one of the committee in charge of this investigation, I should not have voted if gentlemen had not demanded that I should vote. I shall vote aye.

Mr. T. H. Williams, when his name was called, said:

Mr. Speaker, I desire to explain my vote. I had hoped I would not be asked on this occasion to cast my vote either way. I had my mind made up as to the guilt or innocence of the man who has been on trial for the last three days, but being one of the number who had the figures set opposite their names, I desire to let the members of the House say whether this man was guilty or not, without calling upon us to vote upon the question, and for that reason I have refrained so far from voting; but if I am

obliged to vote, I shall say to you, sir, that I believe that this man is guilty, and I shall vote aye.

The third specific charge was then read by the Clerk, and
The Speaker announced the question to be,
Has the third specific charge been proven?

The charge was then declared proven by yeas and nays as follows:

YEAS.

Mr. Abbott,	Mr. Damon,	Mr. Lakey,	Mr. Rogers,
Allen,	Diekema,	Lincoln,	Rounsville,
Anderson,	Dillon,	Linton,	Rumsey,
Ashton,	Dougherty,	Makelim,	Simpson,
Baker, S.	Douglass,	Manly,	Snow,
Baker, W. A.,	Dunbar,	McCormick,	Spencer,
Baldwin,	Eldred,	McGregor,	Stuart,
Bardwell,	Engleman,	McKie,	Thompson,
Bates,	Goodrich,	McMillan,	Tindall,
Baumgardner,	Green,	Mulvey,	Van Orthwick,
Beecher,	Grenell,	Ogg,	Vickary,
Bettinger,	Harper,	O'Keefe,	Vroman,
Bentley,	Haskin,	Oviatt,	Washburn,
Breen,	Herrington,	Pardee,	Watson, F. H.
Burr,	Hoaglin,	Perkins,	Watson, H.,
Cady,	Holt,	Pettit,	Watts,
Cannon,	Hoobler,	Pierce,	Webber.
Case,	Hosford,	Powers,	Wellman,
Chamberlain,	Houk,	Preston,	Williams, T. H.
Chapell,	Hunt,	Reader,	Williams, W. W.
Chapman,	Jones,	Rentz,	Wilson,
Cole,	Kelley,	Robinson, J. W.	Wood,
Crocker,	Killeen,	Robinson, R.,	Speaker,
Cross,	Kirby,		94

NAYS.

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Mr. Grenell, when his name was called, said:

I wish to explain my vote. I believe that when Milo H. Dakin put opposite the names of honorable members of this Legislature figures designating dollars he was unmindful of the high duties of his office. I therefore vote aye.

Mr. Holt, when his name was called, said:

Mr. Speaker, in regard to this specific charge, there is no question I think that Mr. Dakin, without any authority, without any right of any sort or reason brought the names of fifteen members of this House into disrepute. It was done with some evil intent. Whether we have found that intent I am not entirely certain, but I think there is no question in the mind of any one that he slandered those fifteen members. They are all men, in my opinion, above reproach. Four of them are on the judiciary committee with me. I believe that everyone of them is strictly honest and strictly correct in all their deportment. I will stand by them to-night and at all times as I would stand by a brother, and I vote aye.

Mr. Ogg, when his name was called said:

Mr. Speaker, the newspapers have told us in the last two or three days that the Knights of Labor in the House were going to stand by Mr. Dakin at all hazards. I belong to that

order and you have all known that I have taken a prominent part in labor legislation in this House, but at the same time I have never allowed my sympathy to run away with my judgment. I believe this is the only charge of the four of which Mr. Dakin is guilty. I vote aye.

Mr. Hosford, when his name was called, said:

Mr. Speaker—I would refrain from voting, not because I do not desire to cast my vote, but because I do not desire to bore the House with another explanation. I do not think that when Milo H. Dakin talked about a banquet at the Eichle House he talked about a thing in which he did not believe, and I do not think that the influence at a banquet depends upon the amount of money expended for it or the place where it is given. No one questioned the motive of the honorable Senator from Houghton who gave a magnificent spread at the Lansing House not long since. Milo H. Dakin is not a distinguished or able man and in his small and somewhat silly way he fancied a banquet could be given at the Eichle House which all the members and their wives could attend, and I do not think that any different influence could have been contemplated by a banquet at the Eichle House than a banquet at the Lansing House or that any legislator would have thought such a banquet was improper; but I find this charge made, that Milo H. Dakin did represent that to secure the votes and influence of said members it would be necessary to use with them the amount of money set opposite their names, thereby bringing the good name and character of said members into ill-repute, and that portion of the charge is unqualifiedly true. I vote aye.

The Speaker—The chair has had handed to him the following communication:

The committee on the part of the House waive any vote on the fourth article, believing that the charge is not sustained by the evidence.

A. R. CHAPMAN, *Chairman*.

Mr. Herrington moved that the fourth specific charge be stricken out and no vote taken thereon,

Which motion prevailed, two-thirds of all the members elect voting therefor.

Mr. Baumgardner—I desired to explain my vote and intended to do so when my name was called on this charge.

The Speaker—If there is no objection the gentleman will be allowed to explain his vote.

Mr. Baumgardner:

Mr. Speaker—I can conceive of no more unpleasant duty that the members of a State Legislature could be called upon to perform than that which we are called upon to perform to-night. God knows that I feel great sympathy for Mr. Dakin, but I believe that feelings of sympathy should not stand in the way of our doing our duty to the State, should not stand in the way of our doing our duty to the honorable gentlemen whose good names have been brought into disrepute by Mr. Dakin having made out that list of names and placed the prices beside them. I would be the last man on earth to cause a single pang of pain to any human heart. I have every sympathy in the world for Mr. Dakin, but duty compels me to vote as I have because I believe that the charges have been sustained by the evidence here presented.

Reference has been made by one member when he explained his vote to a report which has been circulated in this House since the trial began, that the Knights of Labor members intended to stand by Mr. Dakin, no matter what the evidence might be. I

think that the way the Knights of Labor have voted on this question has hurled the lie back into the face of the man who started that report. I vote aye.

Mr. Crocker offered the following resolution :

WHEREAS, The following charges were preferred against Milo H. Dakin, a member of the House of Representatives of the first representative district of Saginaw county, on the 26th day of April, 1887, to wit :

SPECIFIC CHARGES.

Articles exhibited on behalf of the special committee of the House of Representatives of the State of Michigan, appointed April 20, 1887, against Milo H. Dakin, member of the said House of Representatives, from the first representative district of Saginaw county, in relation to the charges preferred against him for misfeasance, malfeasance, or venal and corrupt conduct in the office.

ARTICLE I.

That said Milo H. Dakin, member of the House of Representatives, from the first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times between the day of taking his said oath of office and the time of the preferring of said charges, receive from John H. Shakelton, Mayor of Saginaw City, certain sums of money for the purpose of corruptly using the same among the members of the House of Representatives of the Michigan Legislature in influencing votes for the passage of a bill to amend the charter of Saginaw City then pending before the committees on labor interests and municipal corporations of said House of Representatives.

ARTICLE II.

That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times, between the day of taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from said John H. Shakelton, mayor of Saginaw City, from Frederic L. Eaton of Saginaw, and from various other persons for the purpose ostensibly of corruptly using such money among the members of the House of Representatives of the Michigan State Legislature, to influence their votes in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committee on labor interests and municipal corporations of said House of Representatives, but in fact for the purpose of corruptly and unlawfully appropriating all or a part of such money for his own personal use and benefit.

ARTICLE III.

That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, and of his oath of office, did corruptly, on the 19th day of April, in the year A. D. 1887, between the day of taking his said oath of office and the preferring of said charges, make a list of names of certain members of said House of Representatives, of the State of Michigan, together with the

amount of money necessary to procure the vote and influence of each of said members named in said list, in favor of the passage of a bill to amend the charter of Saginaw City, then pending before the committees on labor interests and municipal corporations jointly, to wit:

S. Baker, \$5.
 Baldwin, \$5.
 Bently, \$5.
 Burr, \$5.
 Crocker, \$10.
 Diekema, \$10.
 Dunbar, \$5.
 Engleman, \$5.
 Herrington, \$10.
 Manly, \$10.
 McCormick, \$5.
 O'Keefe, \$5.
 Perkins, \$10.
 Rumsey, \$25.
 T. H. Williams, \$10.

And that said Milo H. Dakin did represent to said Frederic L. Eaton, of Saginaw, that to secure the votes and influence of said members it would be necessary to use with each of them the amount of money set opposite his name, thereby bringing the good name and character of said members into ill-repute.

ARTICLE IV.

That said Milo H. Dakin, member of the House of Representatives from said first representative district of Saginaw county, unmindful of the high duties of his office, and of the oath of office, did corruptly, on the 19th day of April, A. D. 1887, and on divers other days and times between the day of taking his said oath of office and the preferring of said charges, solicit and endeavor to procure money from John H. Shakelton, Mayor of Saginaw City, Frederic L. Eaton, and from various other persons, for the purpose of corruptly using such money so obtained among the members of the House of Representatives of the State of Michigan, to influence their votes and efforts in favor of the passage of a bill to amend the charter of the city of Saginaw, then pending before the committees on labor interests and municipal corporations jointly, of the House of Representatives of Michigan.

Dated, Lansing, Mich., April 26, 1887.

A. R. CHAPMAN,
 JOHN V. B. GOODRICH,
 H. W. THOMPSON,
 A. B. PIERCE,
 B. A. SNOW,

Committee on behalf of the House of Representatives.

AND WHEREAS, The said Milo H. Dakin did on the 26th day of April, A. D. 1887, appear before the committee preferring the said charges and before the House of Representatives of the State of Michigan, and thereupon and for several days following the said committee in the presence of the said House of Representatives, they being in session with the Speaker in the chair, did proceed to investigate the said charges and allegation heretofore set forth, and the

said Milo H. Dakin did appear with his attorneys and answer said charges, and after listening to the evidence and the argument of counsel, the said House of Representatives did on the 28th day of April, A. D. 1887, find the said Milo H. Dakin guilty as charged in articles two and three; therefore be it

Resolved, That the said Milo H. Dakin be expelled from the House.

MR. CROCKER.

Mr. Speaker, I wish to explain that resolution and also some points that may bear upon it. And first I will have the audacity to answer one proposition made by the learned counsel for the defense, Mr. Van Zile, in this case, in which he said that when we cast our final vote upon this question we would have to give our reasons and have them spread on the journal of this House and sign that journal, as I understand him, below the reasons that we should give. I think that my friend labored under some misapprehension on this subject. First, he spoke of impeachment. Now, we do not impeach members of the House of Representatives, or of the Senate. Neither do we impeach members of Congress or of the United States Senate. We simply impeach Governors, judges of courts, and other State officers. The proceeding in a case of this kind is entirely different. And in order that every member may be satisfied on that point I will refer to the constitution of this State. Article 4 section 9 reads as follows :

“Each House shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members ; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election. The reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.” The proposition is voted on just the same as any other question might be.

As to the propriety of a resolution of this kind, I would say that many instances of expulsion have occurred in the United States Senate and also in the House of Representatives at Washington. I would state that on the occasion of the expulsion of the Hon. Benj. G. Harris, a member of the House of Representatives from the State of Maryland, the proceeding was a very simple one. Mr. Washburn of Illinois offered the following:

“WHEREAS, Hon. Benj. G. Harris, a member of the House of Representatives of the United States from the State of Maryland, has on this day used the following language, to wit: ‘The south asked you to let them go in peace. But no, you said you would bring them into subjection. That is not done yet, and God Almighty grant that it never may be. I hope that you will never subjugate the south.’

And WHEREAS, Such language is treasonable, and is a gross disrespect of this House: Therefore be it

Resolved, That the said Benj. G. Harris be expelled from this House.”

And thereupon, as that language was used in the House of Representatives, they proceeded to discuss the matter then and there and took a vote upon it; and as the vote determined that that language was treasonable and a sufficient number of members voted for the resolution, Mr. Harris was expelled.

Now as to the question which may arise in the minds of some whether Mr. Dakin should be here present when the vote is taken. I would simply say that the record in the Congressional Globe shows that many men who took part in the war during the late rebellion on the southern side were expelled when they were not present in congress. I

will cite one instance of this: On Dec. 4, 1861, the following resolution was offered in the United States Senate:

"WHEREAS, John C. Breckenridge, a member of this body from the State of Kentucky, has joined the enemies of the country and is now in arms against the government he has sworn to support, therefore"

"Resolved, That the said John C. Breckenridge, the traitor, be and he is hereby expelled from the Senate."

The record shows that the discussion on that resolution occupied about five minutes. I could relate other instances of the same kind. I think that it would be safe for us to be guided by a precedent established by such a body as the Senate of the United States,

THE SPEAKER.—The question is on the adoption of the resolution offered by the gentleman from Macomb.

Mr. Ogg—Mr. Speaker—I beg leave to offer a substitute to the resolution of the gentleman from Macomb.

The Clerk read the substitute as follows:

Resolved, That the House of Representatives do now pass a severe vote of censure on Milo H. Dakin for his misconduct towards members of the House as decided by the votes taken on article 3 of the charges.

The question being upon the adoption of the substitute it was not agreed to.

The Speaker—The question is now on the adoption of the resolution offered by the gentleman from Macomb. The Clerk will call the roll.

The question then being on the adoption the resolution of expulsion of Representative Dakin,

The same was adopted,

Two-thirds of the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Abbott,	Mr. Damon,	Mr. Lakey,	Mr. Rogers,
Allen,	Diekema,	Lincoln,	Rounsville,
Anderson,	Dillon,	Linton,	Rumsey,
Ashton,	Dougherty,	Makelim,	Simpson,
Baker, S.,	Douglass,	Manly,	Snow,
Baker, W. A.,	Dunbar,	McCormick,	Spencer,
Baldwin,	Eldred,	McGregor,	Stuart,
Bardwell,	Engleman,	McKie,	Thompson,
Bates,	Goodrich,	McMillan,	Tindall,
Baumgardner,	Green,	Mulvey,	VanOrthwick,
Beecher,	Grenell,	Ogg,	Vickary,
Bettinger,	Harper,	O'Keefe,	Vroman,
Bentley,	Haskin,	Oviatt,	Washburn,
Breen,	Herrington,	Pardee,	Watson, F. H.,
Burr,	Hoaglin,	Perkins,	Watson, H.,
Cady,	Holt,	Pettit,	Watts,
Cannon,	Hoobler,	Pierce,	Webber,
Case,	Hosford,	Powers,	Wellman
Chamberlain,	Houk,	Preston,	Williams, T. H.
Chappell,	Hunt,	Reader,	Williams, W. W.
Chapman,	Jones,	Rentz,	Wilson,
Cole,	Kelley,	Robinson, J. W.	Wood,
Crocker,	Killeen,	Robinson, R.,	Speaker,
Cross,	Kirby,		

Mr. Manly, when his name was called, said :

Mr. Speaker, I desire to explain my vote. We have approached that position in this case when every member is obliged to put himself fairly and squarely on the record in this matter, as the counsel has stated on behalf of the defense. That time I do not dread and am ready and willing that my vote shall be recorded, and I am willing that what I say shall go upon the Journal, to be read in the future when we all have passed away. The gentleman in opening the case in behalf of the committee said that Mr. Dakin had cast a stigma upon the hundred members of this House. In my opinion there is no question about that. He has cast a reflection upon the record of the whole hundred members, including our honored and honorable, but deceased comrade, Ovid N. Case, who sleeps quietly in his grave, for he is as much to blame for this stigma resting upon this body as is any one of the fifteen names mentioned in that list. The gentleman who has caused this stigma to rest upon these members is a member of an order to which I belong ; he is a member of the Grand Army of the Republic, earning that position by hard service in behalf of his country, and as one of that order I have solemnly pledged that I would not wrong a brother member knowingly. Therefore when these charges were made against these men, and I was present at the time he confronted these fifteen men, I thought then that perhaps there might be some mistake in this matter.

He came before that committee with a light step, but when he saw those fifteen men around him, he stopped and looked as though he had met men that he had in some way wronged. He was presented with the paper which has been shown in evidence here by the Speaker of this House. He looked at the paper calmly and quietly. He studied those names and said, "I recognize that paper. I made those figures and it means money." He gave his statement there in a slow, measured tone, facing the Speaker. I then was in hopes perhaps there might be a mistake, but that man has come upon the witness stand and swore that the statements he made there are true with one slight exception. My duty to him as a comrade of the Grand Army ceased when I knew he had knowingly and willfully wronged at least two of that order, Representative Williams and myself, by casting reflection at least upon our honor and our credit, which, although we are in no way to blame, will follow us in long days to come. But we are not alone in this disgrace. It spreads upon the name of every man who is a member of this Legislature, and I as a member, can do no more in duty to myself, in justice to my fellow comrades here, members of this House, and in duty to the God that looks down upon us to-night than to say, yes, guilty as charged.

Mr. Snow, when his name was called said :

I desire to say that this is one of the most painful duties that I have ever been called upon to perform, but sir, I will not, I cannot shirk my duty, therefore I vote aye.

Mr. Stuart, when his name was called said :

There has been something said with regard to some organization. I do not care what the organization is that I belong to. I shirk from nothing that I think is honest. I vote aye.

Mr. Wood, when his name was called said :

In the beginning of this trial I sincerely believed that Mr. Dakin was more sinned against than sinning. I believed that he was the victim of a conspiracy and I was strong in my opinion that the gentleman from Saginaw, Mr. Eaton, was at the bottom of all this, and had this been simply tried by the committee and we had voted to expel

Mr. Dakin at the time, I would have voted no ; but since it has been carefully tried I think the evidence has proven that Mr. Eaton is all right, and that I owe him an apology, and that Mr. Dakin is guilty. Therefore I vote aye.

Mr. Grenell, when his name was called said:

If there were any possibility of any other punishment than the punishment of expulsion being accorded to Mr. Dakin I would gladly vote for that instead of expulsion, but so long as there is no other punishment and so long as I am compelled to vote for some kind of punishment, I am compelled to vote aye.

Mr. Hosford, when his name was called, said :

Mr. Speaker—I said a short time ago that I would rather be right than President; but I fear that in my notion of being right I am very lonesome. I have some idea that the Legislature may by its vote be carrying into effect the purpose of the designing enemies of this man. But that he is guilty under charge three as the House has voted, I have no doubt. And now, although not without much misgiving, I vote aye.

The Speaker then declared that

Two-thirds of the members elect having voted therefor, the resolution is adopted, and the said Milo H. Dakin, member of the House of Representatives from the first representative district of Saginaw county, is from and after this date, expelled from the floor of the House and debarred from any and all the rights, privileges and advantages of a member of said House during the balance of his present official term.

Mr. W. A. Baker moved to take from the table the following resolution:

Resolved, That the sum of two hundred dollars be and is hereby appropriated for the purpose of enabling Representative Dakin to pay counsel in defending him from the charges preferred against him for misfeasance, malfeasance, or venal or corrupt conduct in office,

Which motion prevailed.

The question being on the adoption of the resolution,

Pending the vote thereon,

On motion of Mr. Chapman, the House adjourned.

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